

## **AGENDA**

### **COMMITTEE ON BILLS ON SECOND READING**

**November 18, 2003**  
**Aldermen Wihby, Sysyn,**  
**DeVries, Smith, Forest**

**4:45 PM**  
**Aldermanic Chambers**  
**City Hall (3<sup>rd</sup> Floor)**

1. Chairman Wihby calls the meeting to order.
2. The Clerk calls the roll.
3. Proposed Policy Re: Petitions for Rezoning.  
(Revised Draft dated 11/13/2003 submitted by Robert MacKenzie enclosed.)  
**Ladies and Gentlemen, what is your pleasure?**
4. Ordinance Amendment:  
  
“Amending Sections 33.024, 33.025 and 33.026 (Laborer – Drop Off Facility) of the code of Ordinances of the City of Manchester.”

**Ladies and Gentlemen, what is your pleasure?**

### **TABLED ITEMS**

**A motion is in order to remove any of the following items from the table for discussion.**

5. Ordinance:  
  
“Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned IND (General Industrial) to B-2 (General Business) by extending the B-2 zone district to the center line of Huse Road and Merrill Road, including parcels identified as TM 666, Lots 2B, 6, 6A, 7, 8, 9 & 9A.”  
(Tabled 10/14/2003 pending further review by Planning regarding traffic impact.)

6. Ordinances:

“Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned IND (General Industrial) to R-SM (Residential Suburban Multifamily) by extending the R-SM zone district on a portion of property identified as TM 478, Lot 8, located on Candia Road.”  
(Tabled 10/14/2003)

“Amending the Zoning Ordinance of the City of Manchester by amending Article 5, Section 5.10, G-6 of the Table of Principal Uses by inserting a “P” in the “IND-General Industrial/Industrial Park” column of item G-6 of the table.”  
(Tabled 10/14/2003)

7. Ordinance:

“Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations.”  
(Tabled 11/06/2002)

8. Ordinances:

“Amending Chapter 130: General Offenses of the Code of Ordinances of the City of Manchester by repealing Section 130.10 Tattooing in its entirety.”  
(Tabled 07/16/2002)

“Amending the Zoning Ordinance of the City of Manchester to include a new use group category for Tattoo Parlors, inserting changes to Table 5.10, adding supplementary regulations for tattoo parlors, and providing for location restrictions so as to prohibit such parlors within 600 feet from each other and not less than 500 feet from a Residential or Civic Zone.”  
(Tabled 07/16/2002)

9. If there is no further business, a motion is in order to adjourn.



Robert S. MacKenzie, AICP  
Director

# CITY OF MANCHESTER

## Planning and Community Development


Planning  
Community Improvement Program  
Growth Management



Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

### Memorandum

To: Committee on Bills on Second Reading

From: Robert S. MacKenzie   
Director of Planning

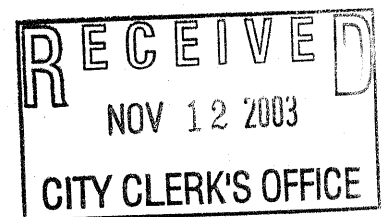
Date: November 12, 2003

re: Proposed Rezoning Process

A draft rezoning process was recently handed out at your last meeting. We have reviewed this in more detail and also met with Alderman Lopez and Alderman Devries to answer questions and get additional input.

Attached is a revised draft along with a flow chart for your review. If you have any questions, I will be available at your next meeting.

C: Thomas Clark, Esq.  
Leon LaFreniere  
Planning Board



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E-mail: [planning@ci.manchester.nh.us](mailto:planning@ci.manchester.nh.us)  
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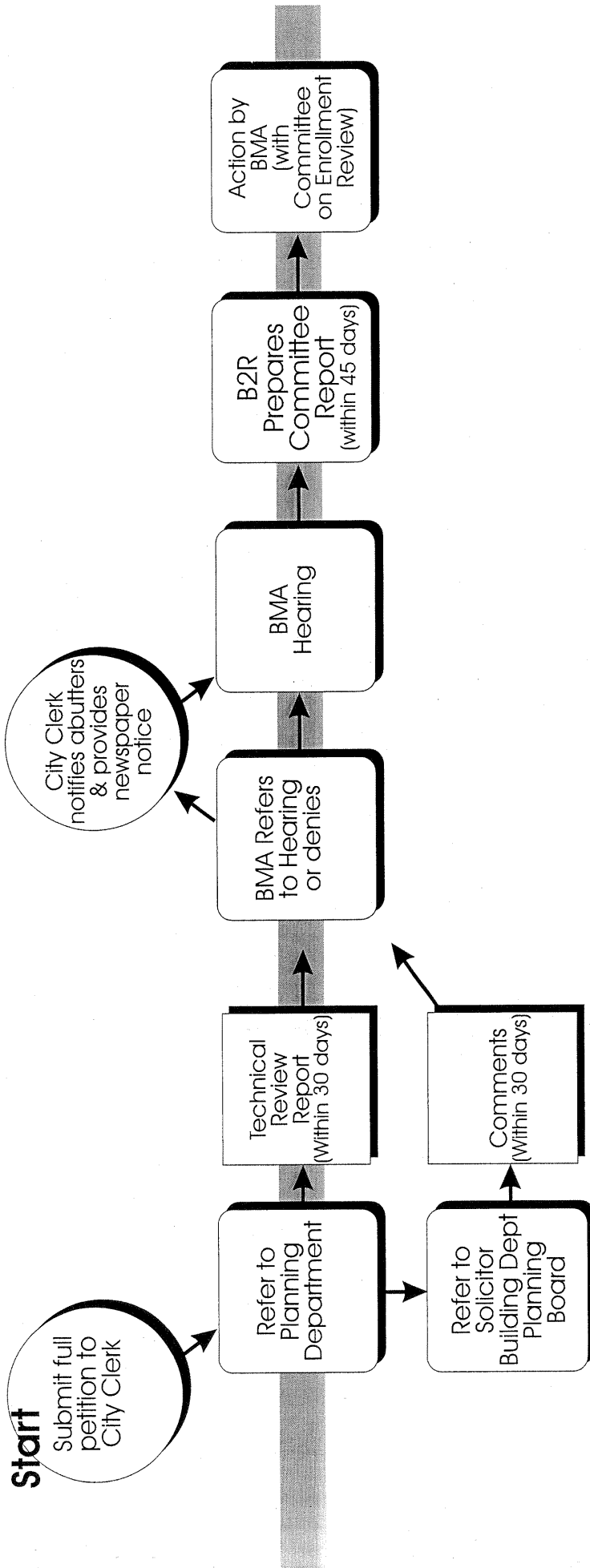
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## PROPOSED POLICY – PETITIONS FOR REZONING

Revised 11/13/03 (~~Deletions for original,~~ additions)

Petitions for rezoning shall be submitted to the Board of Mayor and Aldermen in care of the City Clerk. Unless otherwise ordered by the Board of Mayor and Aldermen the following procedures are to be followed for all petitions:

1. The City Clerk shall forward a copy of the petition with all information received to the Planning Department.
2. The Planning Department shall conduct a technical review of the information presented and report back to the City Clerk within ~~45~~ **30** days regarding the following:
  - i) legality of petition  
(spot zoning, package contents, etc.)
  - ii) consistency with the City's Master Plan;
  - iii) ordinance amendment to cover area of petition
3. **The Planning Department shall provide a copy to the Building Department, Solicitor's Office and the Planning Board who shall have 30 days to provide comments to the City Clerk's Office.** During the Planning Department review, they may wish to meet with the petitioner and have changes made to the petition; the petition may be revised without any additional fees to the petitioner and returned to the City Clerk with the Planning Department report. ~~The Planning Department will advise the Planning Board that the petition has been received.~~
4. Upon receipt of the Planning Department report, the City Clerk shall forward the appropriate petition to the Board of Mayor and Aldermen for consideration. The petition shall be considered for referral to a Public Hearing (date to be set by Clerk), **and the Committee on Bills on Second Reading.** ~~and the Planning Board.~~ (The Board of Mayor and Aldermen may choose to deny or take other action on the petition rather than referring the matter to the Public Hearing, ~~Planning Board,~~ and Committee.) The Clerk will advise the Planning Department of the action(s) taken.
5. ~~Referral to Planning Board. Actions or considerations by the Planning Board should be received by the Board of Mayor and Aldermen at or before the Public Hearing.~~
6. Referral to Public Hearing. A public hearing on the petition will be scheduled 30 to 45 days from the date of order by the Board of Mayor and Aldermen. The City Clerk's office shall provide the courtesy notice to abutters. Abutters notified shall be those provided by the petitioner and shall be considered by the City to have met the qualifications of notice to abutters for statutory planning and zoning notices. Should the petitioner fail to provide the appropriate listing and a complaint is filed, a new hearing may be scheduled by the Board of Mayor and Aldermen.
7. Referral to Bills on Second Reading. Following the public hearing the Committee will review the petition and information presented and make recommendation to the Board of Mayor and Aldermen. It is anticipated that the Committee review process shall take place within 45 days of the public hearing.



# Rezoning Process

## City of Manchester, N.H.

For additional information, please contact the City Clerk or Planning Department

## **PROPOSED POLICY – PETITIONS FOR REZONING**

Petitions for rezoning shall be submitted to the Board of Mayor and Aldermen in care of the City Clerk. Unless otherwise ordered by the Board of Mayor and Aldermen the following procedures are to be followed for all petitions:

1. The City Clerk shall forward a copy of the petition with all information received to the Planning Department.
2. The Planning Department shall conduct a technical review of the information presented and report back to the City Clerk within 15 days regarding the following:
  - a) legality of petition  
(spot zoning, package contents, etc.)
  - b) consistency with the City's Master Plan
  - c) ordinance amendment to cover area of petition
3. During the Planning Department review, they may wish to meet with the petitioner and have changes made to the petition; the petition may be revised without any additional fees to the petitioner and returned to the City Clerk with the Planning Department report. The Planning Department will advise the Planning Board that the petition has been received.
4. Upon receipt of the Planning Department report, the City Clerk shall forward the appropriate petition to the Board of Mayor and Aldermen for consideration. The petition shall be considered for referral to a Public Hearing (date to be set by Clerk), Committee on Bills on Second Reading, and the Planning Board. (The Board of Mayor and Aldermen may choose to deny or take other action on the petition rather than referring the matter to the Public Hearing, Planning Board, and Committee.) The Clerk will advise the Planning Department of the action(s) taken.
5. Referral to Planning Board. Actions or considerations by the Planning Board should be received by the Board of Mayor and Aldermen at or before the Public Hearing.
6. Referral to Public Hearing. A public hearing on the petition will be scheduled 30 to 45 days from the date of order by the Board of Mayor and Aldermen. The City Clerk's office shall provide the courtesy notice to abutters. Abutters notified shall be those provided by the petitioner and shall be considered by the City to have met the qualifications of notice to abutters for statutory planning and zoning notices. Should the petitioner fail to provide the appropriate listing and a complaint is filed, a new hearing may be scheduled by the Board of Mayor and Aldermen.
7. Referral to Bills on Second Reading. Following the public hearing the Committee will review the petition and information presented and make recommendation to the Board of Mayor and Aldermen. It is anticipated that the Committee review process shall take place within 45 days of the public hearing.

## To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Human Resources respectfully advises, after due and careful consideration, that it has approved a request to establish a new classification, Laborer – Drop off Facility at a Grade 10 and for such purpose is submitting ordinance amendment:

“Amending Sections 33.024, 33.025 and 33.026 (Laborer – Drop Off Facility) of the Code of Ordinances of the City of Manchester.”

The Committee recommends such amendment be referred to the Committee on Bills on Second Reading for technical review.

At a meeting of the Board of Mayor and Aldermen  
held Nov 5, 2003 on a motion of Ald. O'Neil  
duly seconded by Ald. Lopez the report  
of the Committee was accepted and its recommendations  
(adopted) (~~denied~~)

Paul A. Bernier  
City Clerk

Respectfully submitted,

Carey Johnson  
Clerk of Committee  
Deputy

# City of Manchester New Hampshire

*In the year Two Thousand and*

three

## AN ORDINANCE

“Amending Sections 33.024, 33.025 & 33.026 (Laborer – Drop Off Facility) of the Code of Ordinance of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 33.024 CLASSIFICATION OF POSITION be amended as follows:

Establish new classification, Laborer – Drop Off Facility

SECTION 33.025 COMPENSATION OF POSITION be amended as follows:

Establish Laborer – Drop Off Facility, Grade 10, non-exempt

SECTION 33.026 CLASS SPECIFICATIONS be amended as follows:

Establish new class specification, Class Code 5321, Laborer – Drop Off Facility. (See attached).

This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.



Current



# City of Manchester, New Hampshire

## Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

<b>Class Title</b>	<b>Laborer</b>
<b>Class Code Number</b>	<b>5320</b>

### General Statement of Duties

Performs manual labor in contributing to public works and related civic projects; performs directly related work as required.

### Distinguishing Features of the Class

The principal function of an employee in this class is to perform construction, maintenance and repair activities. The work is performed under the supervision and direction of a Highway Supervisor but some leeway is granted for the exercise of independent judgement and initiative. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with other City employees, outside contractors and the public. The principal duties of this class are performed in an outdoor work environment with potential personal hazards.

### Examples of Essential Work (illustrative only)

- Removes worn, cracked or weathered asphalt using hand or power tools and loads debris for disposal;
- Grades and repairs underlay of roadbed to prepare surface for patching;
- Rolls asphalt patching material and assures patch meets grade and standards;
- Seals and repairs asphalt and concrete infrastructures;
- Constructs retaining walls and other masonry structures;
- Manually digs trenches, secures, lowers and installs pipes and places precast or builds inlet boxes and replaces and compacts bedding and overlay material;

- Grades and prepares surfaces for concrete curbs, gutters and storm water inlets;
- Operates mowers and weed eaters to maintain right-of-ways, medians and common areas;
- Cleans and clears storm water inlets, drains, bridges, creeks and drainage;
- Repairs or replaces landscaping disturbed during construction projects;
- Cleans and maintains City structures such as parking garages, decks and downtown areas;
- Pours and forms City street markers and helps set finished products;
- Cleans and restores construction areas, job sites and other project areas;
- Cleans equipment and facilities;
- Provides needed information and demonstrations concerning how to perform certain work tasks to new employees in the same or similar class of positions;
- Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Performs other directly related duties consistent with the role and function of the classification.

<p style="text-align: center;"><b>Required Knowledge, Skills and Abilities</b> (at time of appointment)</p>
---

- Substantial knowledge of construction equipment, materials and methods;
- Substantial knowledge of traffic hazards and traffic safety principles, practices and procedures;
- Substantial knowledge of proper lifting techniques and personal protective equipment used in the operation of hand and power tools;
- Ability to comprehend and follow safety rules and regulations;
- Skill in the operation of hand and power tools;
- Ability to remain on call during assigned hours as necessary;
- Ability to communicate well with others, both orally and in writing, using both technical and non-technical language;
- Ability to understand and follow oral and/or written policies, procedures and instructions;
- Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
- Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
- Integrity, ingenuity and inventiveness in the performance of assigned tasks.

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**Acceptable Experience and Training**

- Graduation from High School or possession of a GED; and
- Some experience in landscaping or the construction industry; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities necessary to perform the work.

**Required Special Qualifications**

- None.

**Essential Physical Abilities**

- Sufficient clarity of speech and hearing or other communication capabilities; with or without reasonable accommodation, which permits the employee to understand department and safety rules and regulations and work around high traffic areas;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to work safely in heavy traffic and heavy equipment operation;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to operate hand and power tools continuously;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to work in trenches, in rough terrain and access construction equipment;
- Sufficient strength and endurance with or without reasonable accommodations, to lift and carry, through a full range of motion, up to 100 pounds occasionally, 50 pounds frequently, and 20 pounds continuously;
- Sufficient mobility and flexibility which allows the employee to stoop, kneel, crouch, stand, walk, push, pull, climb and grasp repetitively.

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

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# DRAFT



## City of Manchester, New Hampshire

### Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

<b>Class Title</b>	<b>Laborer – Drop Off Facility</b>
<b>Class Code Number</b>	<b>5321-10</b>

#### General Statement of Duties

Performs manual labor in support of the Solid Waste Drop-Off Facility: performs directly related work as required.

#### Distinguishing Features of the Class

The principal function of an employee in this class is to monitor and ensure the safe off-loading of solid waste materials and recyclable items. The Work is performed under the direction of the Drop-Off Facility Supervisor, but some leeway is granted for exercise of independent judgement and initiative. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with other city employees and the public. The principle duties of this class are performed in all areas of the Drop-Off Facility with potential personal hazards.

#### Examples of Essential Work (illustrative only)

- Determines acceptability of solid waste materials or recyclable items in accordance with Department standards and City ordinances;
- Oversees the safe off-loading of solid waste materials;
- Operates compactors;
- Performs freon extraction from refrigerators and air conditioners;
- Stacks tires and CRT's in on-site trailers;
- Cleans equipment and facilities;
- Performs maintenance and yard work as directed by the Drop-Off Facility Supervisor;

- Provides needed information and demonstrations concerning how to perform certain work tasks to new employees in the same or similar class of positions;
- Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Performs other directly related duties consistent with the role and function of the classification.

**Required Knowledge, Skills and Abilities**  
(at time of appointment)

- Substantial knowledge of solid waste and recycling issues;
- Substantial knowledge of the City's rules and regulations as applied to the Drop-Off Facility;
- Substantial knowledge of State and Federal regulations affecting the handling of solid waste and recyclable items;
- Substantial knowledge of current principles and practices associated with customer service operations.
- Some knowledge of and the ability to recognize materials that contain asbestos and other hazardous materials;
- Substantial knowledge of traffic hazards and traffic safety principles, practices and procedures;
- Substantial knowledge of proper lifting techniques and personal protective equipment used in the operation of hand and power tools;
- Some knowledge of preventative stretching exercise;
- Ability to comprehend and follow safety rules and regulations;
- Skill in the operation of hand and power tools;
- Ability to communicate well with others, both orally and in writing, using both technical and non-technical language;
- Ability to understand and follow oral and/or written policies, procedures and instructions;
- Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
- Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
- Integrity, ingenuity and inventiveness in the performance of assigned tasks.

**Acceptable Experience and Training**

- Graduation from High School or possession of a GED; and
- Some experience working at a drop-off facility, and/or in a team environment where physical work is required; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities necessary to perform the work.

**Required Special Qualifications**

State of New Hampshire Level I Solid Waste Certificate within six months of hire.

**Essential Physical Abilities**

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to understand department and safety rules and regulations and work around high traffic areas;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to work safely in heavy traffic and heavy equipment operation;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to operate hand and power tools continuously;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to work in trenches, in rough terrain and access construction equipment;
- Sufficient strength and endurance with or without reasonable accommodations, to lift and carry, through a full range of motion, up to 75 pounds occasionally, 50 pounds frequently, and 25 pounds continuously;
- Sufficient mobility and flexibility which allows the employee to stoop, kneel, crouch, stand, walk, push, pull, climb and grasp repetitively.

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

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Robert S. MacKenzie, AICP  
Director

**CITY OF MANCHESTER**  
**Planning and Community Development**

Planning  
Community Improvement Program  
Growth Management

10/14/03 - 10/14/03



Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

Memorandum

To: Committee on Bills on Second Reading

From: Robert S. MacKenzie *RS*  
Director of Planning

Date: October 8, 2003

re: Proposed Rezoning of Harvey Industries on Huse Road

This is in regards to the proposed rezoning of property of Harvey Industries from IND to B-2

The City's Master Plan recognizes that there will be continual pressures to rezone additional areas along South Willow Street to commercial and that it may be appropriate if certain criteria are evaluating during this process:

- 1) *"The potential traffic impact of projected commercial users should be evaluated in terms of available capacity...and should be evaluated to insure that possible projects will not encourage additional traffic impacts upon residential areas..."*

There is no specific development proposal being considered so the exact traffic impact cannot be assessed. The applicant has provided a traffic analysis of what would be a likely commercial development on this site. (see attached) It would be my opinion that a majority of the traffic would utilized Huse Road to access South Willow Street and the highway network. Some percentage, however, may utilize Huse Road northerly and provide some impact on the residential areas to the north. There can be measures to minimize this impact such as traffic calming and the Board may want to go on record as suggesting that traffic improvement funds may be required from the future developer to make improvements.

- 2) *"Where the land to be zoned is currently industrial, the Planning Board seek guidance from the Greater Manchester Development Corporation to determine the suitability of the land for industrial uses..."* The successor organization to the GMDC

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Phone: (603) 624-6450 FAX: (603) 624-6529  
E-mail: [planning@ci.manchester.nh.us](mailto:planning@ci.manchester.nh.us)  
[www.ci.manchester.nh.us](http://www.ci.manchester.nh.us)

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– the MDC – has not at this point been requested for comments. It would be my opinion that the land is wrapped on three sides by commercial land and being next to the Mall of New Hampshire, its long term future is more likely to be commercial rather than industrial. We have recommended in the past that a line be drawn at the airport runway which identify the area which would not be considered for future commercial rezonings. This site would not be ruled out by that policy. I would also comment that Harvey Industries is an important manufacturer in Manchester and we would encourage the City to try to retain them in the City should they decide to move.

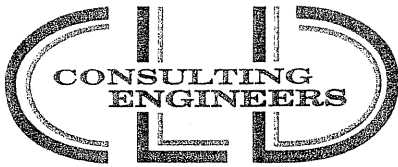
- 3) *“Where the land to be rezoned is residential... evaluate the means and degree of buffering between the site and remaining residential areas...”*

This area is not currently zoned residential.

I will be available at your next meeting should you have questions.

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September 29, 2003

Mr. Erik Jarnryd  
Vice President  
Harvey Industries, Inc.  
1400 Main Street  
Waltham, MA 02451-9180

Re: Vehicle Trip Generation Assessment  
Harvey Industries Zoning Change Proposal  
Huse Road, Manchester, NH  
CLD Reference No. 03-0246

Dear Mr. Jarnryd:

We are pleased to present our findings from the trip generation assessment for comparison of the existing Industrial-2 zone use and a proposed Business-2 zone use for Harvey Industries, Inc. CLD understands that Harvey Industries desires to change the zone boundary for the B-2 Commercial Zone to include their primary parcel, the CareFree Associates parcel, and other adjacent parcels on the northwesterly side of Huse Road, in order to create a consistent land use potential adjacent to the Mall of New Hampshire and the South Willow Street corridor. We further understand that you will be using the information within this letter to show potential differences in levels of traffic between various zone uses as part of your discussions with the Board of Aldermen for their evaluation of the proposed zoning change. Attached to this letter report are Driveway Turning Movement Counts and ITE Trip Generation data that were evaluated as part of this assessment.

### Existing Conditions

The existing Harvey Industries site on Huse Road (Tax Map 666, Lot 7) in Manchester has a facility that occupies a building footprint of approximately 168,000 square feet. The adjacent CareFree Associates parcel (Tax Map 666, Lot 9) has a building that occupies approximately 20,000 square feet and is currently being used by Harvey Industries, Inc. These two parcels, along with the PSNH parcel (Tax Map 666, Lot 9A), are within a small section of the current Industrial-2 Zone that lies within the general boundaries of Interstate 293, Huse Road, and the adjacent Business-2 Zone, which includes the adjacent parcel for the Mall of New Hampshire. The current land use on the opposite side of Huse Road includes restaurants, a hotel, and single-family and manufactured housing.

CLD performed turning movement counts at the existing Harvey Industries driveways on September 3, 2003 during the weekday morning (7-9 AM) and weekday evening (3:30-4:30 PM)

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peak hours for the adjacent roadway network. This business appears to have negligible trip generation during the weekends. Since the morning shift arrives prior to the morning peak hour for the roadway, there is limited employee traffic that accesses the parcel after 7:00 AM. Due to this schedule, CLD also researched the estimated trip generation for this use from Trip Generation, 6<sup>th</sup> Edition by the Institute of Transportation Engineers (ITE) in order to estimate, in general terms, the magnitude of traffic that could be realized on this site during this time period. The afternoon/evening peak hours for the adjacent roadway and shift times were more closely aligned. CLD was able to obtain evening peak hour trip generation information for what is considered a typical day of business operations. The existing trip generation information from the data collected and the ITE estimates are summarized within Table 1.

### **Trip Generation Estimates for Zone Business-2**

As an example of development that could be realized on this site, CLD evaluated the trip generation characteristics for two scenarios for Lots 7 and 9. The two primary examples of potential land use scenarios are:

1. 125,000 square feet of Shopping Center use
2. 100,000 square feet of Shopping Center use & one 7,000 square foot Restaurant use

In evaluating the trip generation characteristics for these two scenarios, ITE presents data for an average trip rate based on square feet as well as a calculated equation for a mathematical curve of the same data set. For the type and size of retail uses being considered for this project, there are significant variations between the average rates and the mathematical calculations. In most cases, the variations occur due to the sample size of the data and the average size of the developments. For this assessment, CLD references the higher calculated rates due to the density of data points closest to the anticipated size of the development.

It is important to understand that not all site-related trips to the proposed retail use are expected to be new to the roadway system. ITE data suggests some trips that were already on the adjacent roadway network for another destination, known as "diverted" or "pass-by" trips, will access the site. This data also suggests that for some retail uses like gas stations or fast-food restaurants, one can assume pass-by rates between 40% and 60%. In general, pass-by rates for a generic retail use can be assumed at approximately 30%. It is not likely that any pass-by trips can be assumed for the existing industrial use. Therefore, the total number of new trips in Table 1 have been supplemented with a value of trips reduced by 30% (70% of total) to reflect the more likely number of *new* trips to this study area.

Mr. Erik Jarnryd  
CLD Reference No. 03-0246  
September 29, 2003  
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**Table 1: Existing and Proposed Trip Generation Characteristics**

Total Trip Generation (Total Ingress and Egress per hour)				
Time Period	Existing Industrial-2 Use		Proposed Business-2 Use	
	Field Data	Estimates from ITE	Land Use Scenario 1 (at 70%)	Land Use Scenario 2 (at 70%)
Weekday AM Peak Hour	25	173	182 (128)	225 (158)
Weekday PM Peak Hour	284	184	728 (510)	704 (493)
Saturday Midday Peak Hour	N/A	26	1,009 (706)	1,012 (708)

### Conclusions

The data provided within this letter report merely defines the differences between the existing and proposed trip generation characteristics for an assumed build-out capacity for this set of Harvey Industries parcels. From a land planning perspective, it appears that the proposed land use zoning change from Industrial-2 to Business-2 is consistent with the surrounding land uses on South Willow Street and part of Huse Road. The City of Manchester can anticipate higher vehicle trip generation from the proposed land use, but the percentage of truck traffic along this section of Huse Road will likely be reduced with the proposed zoning change. If the proposed zoning change is approved, we fully anticipate a need for a detailed traffic impact study as part of the Planning Board requirements. This will help determine the reasonableness of the size of the proposed development and any required mitigation of traffic impacts related to the change in land use.

We would be happy to discuss these findings with you in greater detail if you wish. In the meantime, should you have any comments or questions, please do not hesitate to contact us.

Very truly yours,



Kevin R. Dandrade, P.E.  
Traffic Project Manager

KRD:LLC:jm

Enclosures

cc w/encls.: Nick Lazos, Esq., Stebbins, Lazos & VanDerBeken

## Site Traffic Data

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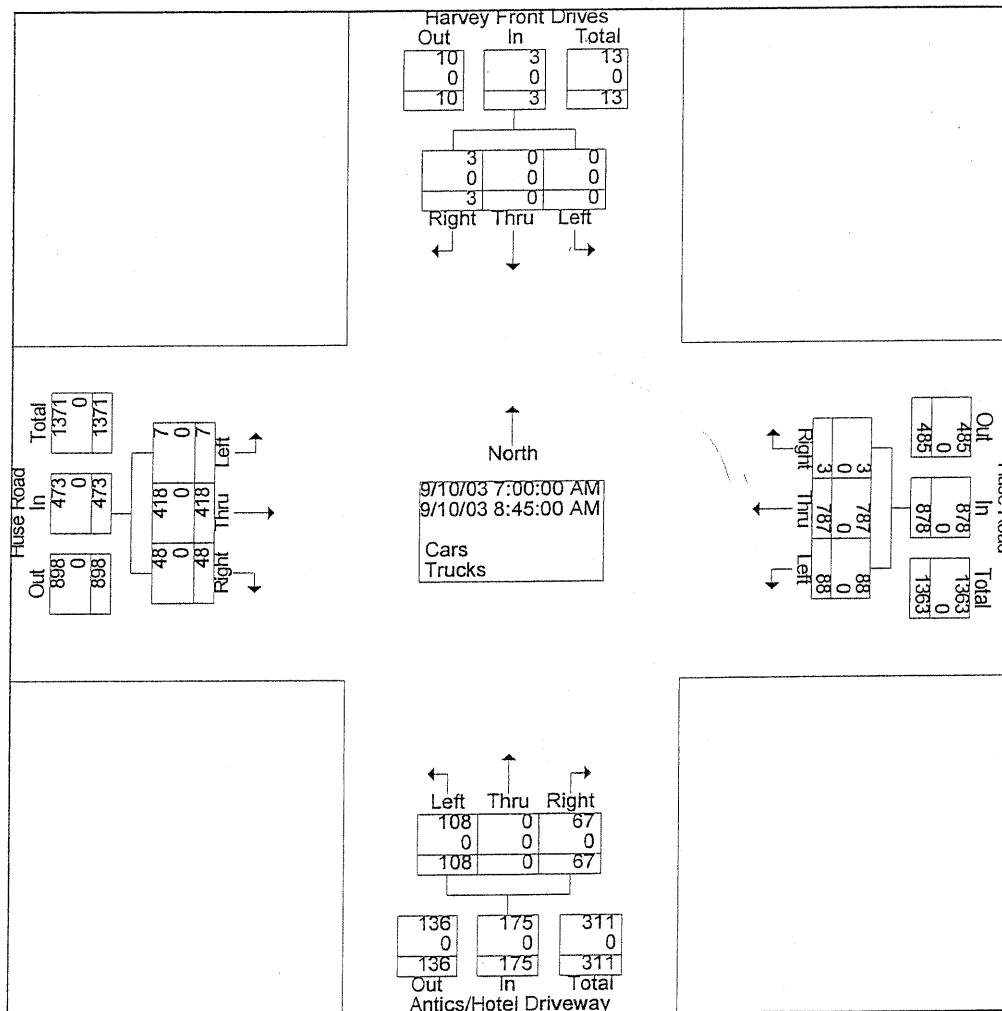
**CLD Consulting Engineers, Inc.**  
**540 Commercial Street**  
**Manchester, NH 03101**  
**(603) 668-8223**

Town/State: Manchester, NH  
 Location: Huse Road at Harvey Industries  
 Counter#/Counted By: 1932 (H. Carlson)  
 Weather: Overcast

File Name : AM Huse Rd at Front Drives  
 Site Code : 03246001  
 Start Date : 09/10/2003  
 Page No : 1

Groups Printed- Cars - Trucks

Start Time Factor	Harvey Front Drives Southbound			Huse Road Westbound			Antics/Hotel Driveway Northbound			Huse Road Eastbound			Int. Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
07:00	0	0	0	16	91	0	10	0	7	2	86	5	217
07:15	0	0	0	9	112	1	11	0	13	1	86	5	238
07:30	0	0	0	24	129	1	21	0	12	0	54	14	255
07:45	0	0	1	9	126	0	17	0	9	0	48	8	218
Total	0	0	1	58	458	2	59	0	41	3	274	32	928
08:00	0	0	0	9	80	0	15	0	10	1	45	4	164
08:15	0	0	0	8	90	0	12	0	7	2	37	3	159
08:30	0	0	1	6	85	0	11	0	5	1	32	6	147
08:45	0	0	1	7	74	1	11	0	4	0	30	3	131
Total	0	0	2	30	329	1	49	0	26	4	144	16	601
Grand Total	0	0	3	88	787	3	108	0	67	7	418	48	1529
Apprch %	0.0	0.0	100.0	10.0	89.6	0.3	61.7	0.0	38.3	1.5	88.4	10.1	
Total %	0.0	0.0	0.2	5.8	51.5	0.2	7.1	0.0	4.4	0.5	27.3	3.1	



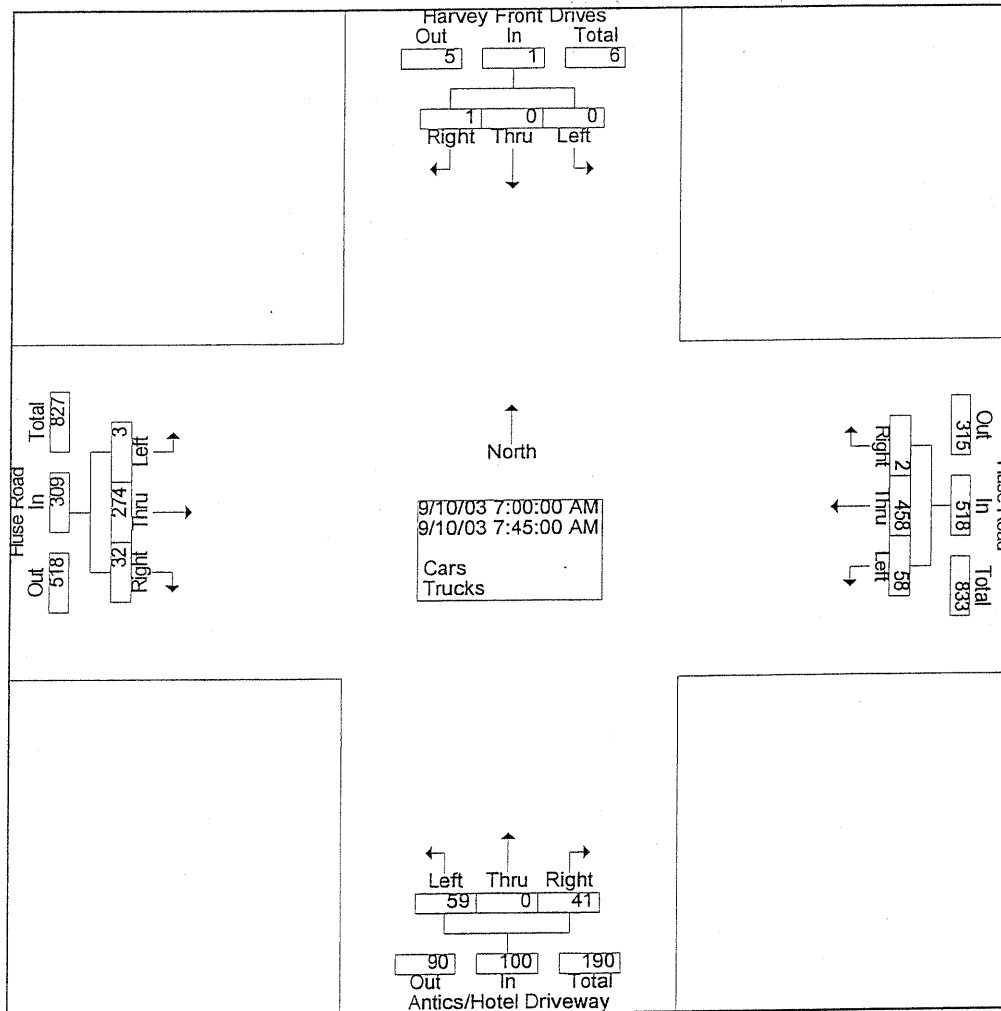
**\* 10-15 VEHICLES USED OTHER TWO DRIVEWAYS DURING THE ENTIRE 7-9 AM PERIOD. (NOT INCLUDED IN TOTALS ABOVE).**

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**CLD Consulting Engineers, Inc.**  
**540 Commercial Street**  
**Manchester, NH 03101**  
**(603) 668-8223**

File Name : AM Huse Rd at Front Drives  
 Site Code : 03246001  
 Start Date : 09/10/2003  
 Page No : 2

	Harvey Front Drives Southbound				Huse Road Westbound				Antics/Hotel Driveway Northbound				Huse Road Eastbound				Int. Total
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	
Peak Hour From 07:00 to 08:45 - Peak 1 of 1																	
Intersection 07:00																	
Volume	0	0	1	1	58	458	2	518	59	0	41	100	3	274	32	309	928
Percent	0.0	0.0	100.		11.2	88.4	0.4		59.0	0.0	41.0		1.0	88.7	10.4		
			0														
Volume	0	0	1	1	58	458	2	518	59	0	41	100	3	274	32	309	928
Volume	0	0	0	0	24	129	1	154	21	0	12	33	0	54	14	68	255
Peak Factor																	0.910
High Int. 07:45					07:30				07:30				07:00				
Volume	0	0	1	1	24	129	1	154	21	0	12	33	2	86	5	93	
Peak Factor				0.250				0.841				0.758				0.831	



5

**CLD Consulting Engineers, Inc.**  
**540 Commercial Street**  
**Manchester, NH 03101**  
**(603) 668-8223**

Town/State: Manchester, NH  
 Location: Huse Road at Harvey Industries  
 Counter#/Counted By: 1932 (H. Carlson)  
 Weather: Overcast

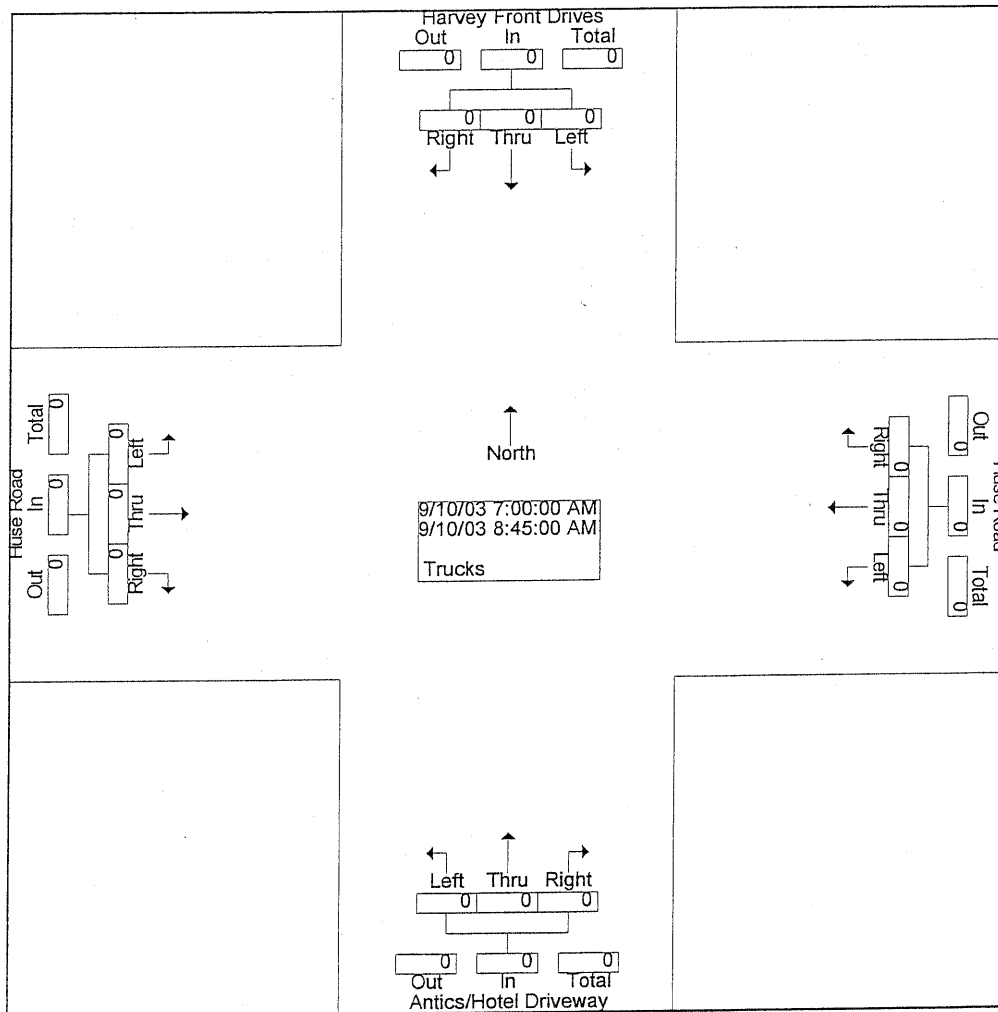
File Name : AM Huse Rd at Front Drives  
 Site Code : 03246001  
 Start Date : 09/10/2003  
 Page No : 1

Groups Printed- Trucks

	Harvey Front Drives Southbound			Huse Road Westbound			Antics/Hotel Driveway Northbound			Huse Road Eastbound			Int. Total
Start Time	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	

\*\*\* BREAK \*\*\*

Grand Total	0	0	0	0	0	0	0	0	0	0	0	0	0
Apprch %	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total %													

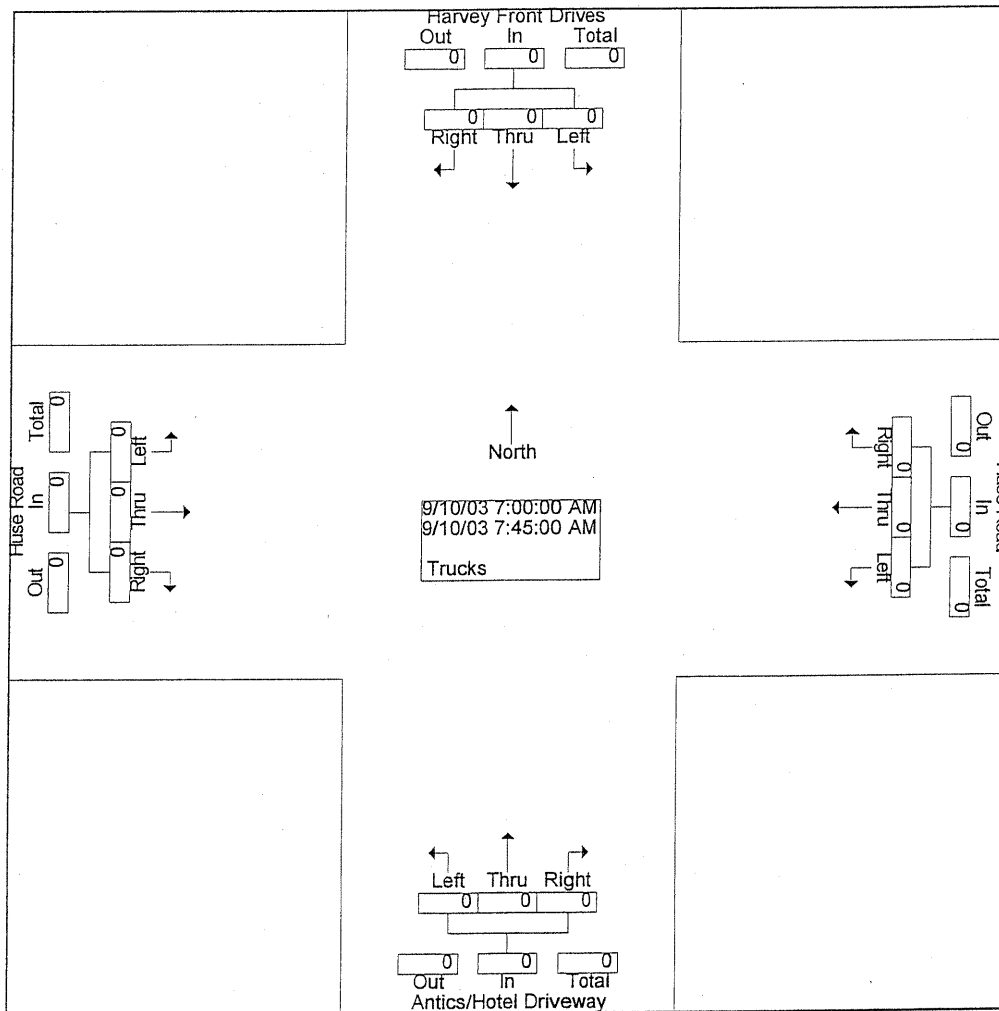


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**CLD Consulting Engineers, Inc.**  
**540 Commercial Street**  
**Manchester, NH 03101**  
**(603) 668-8223**

File Name : AM Huse Rd at Front Drives  
 Site Code : 03246001  
 Start Date : 09/10/2003  
 Page No : 2

	Harvey Front Drives Southbound				Huse Road Westbound				Antics/Hotel Driveway Northbound				Huse Road Eastbound				Int. Total
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	
Peak Hour From 07:00 to 08:45 - Peak 1 of 1																	
Intersection	07:00																
Volume	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Percent	0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0		0.0	0.0	0.0		
Volume	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Volume	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Factor																	0.000
High Int.	6:45:00 AM				6:45:00 AM				6:45:00 AM				6:45:00 AM				
Volume																	
Peak Factor																	



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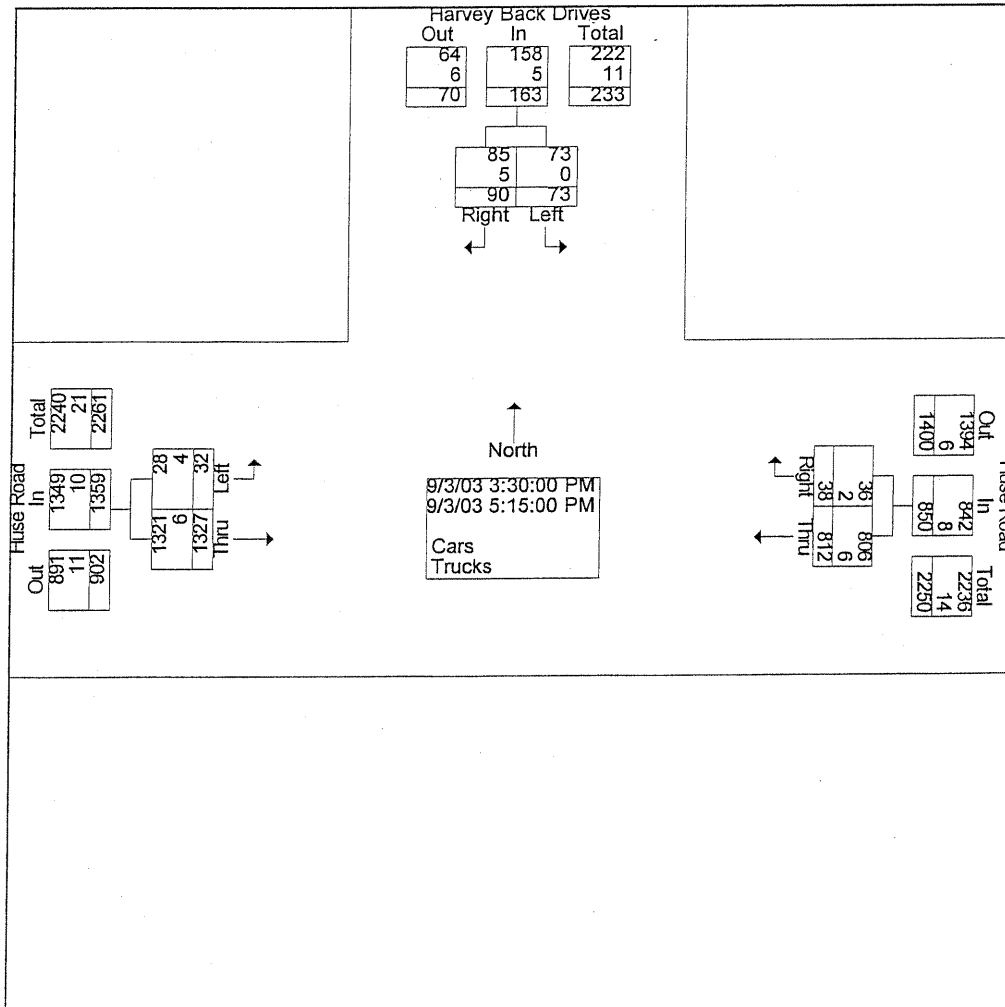
**CLD Consulting Engineers, Inc.**  
**540 Commercial Street**  
**Manchester, NH 03101**  
**(603) 668-8223**

Town/State: Manchester, NH  
 Location: Huse Road at Harvey Industries  
 Counter#/Counted By: 2537 (E. Wright)  
 Weather: Overcast

File Name : PM Huse at Back Drives  
 Site Code : 00030246  
 Start Date : 09/03/2003  
 Page No : 1

Groups Printed- Cars - Trucks

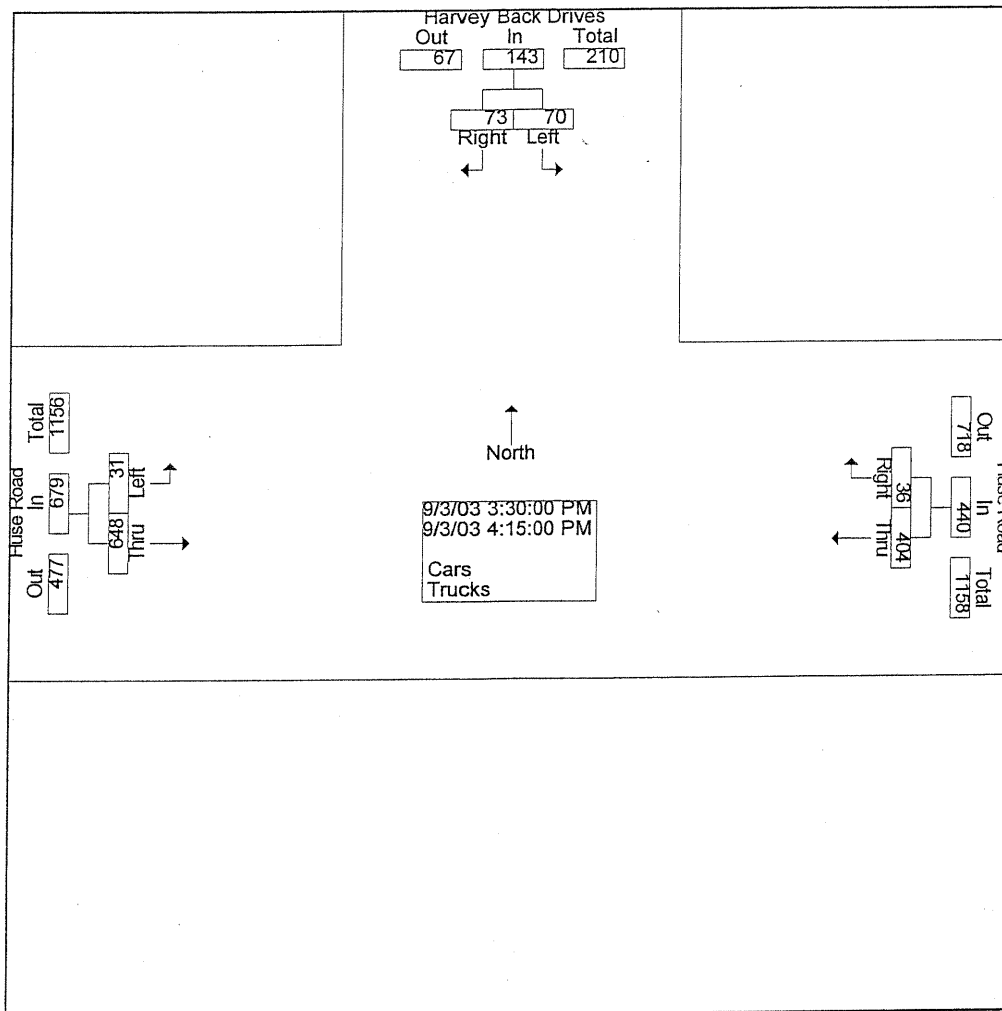
	Harvey Back Drives Southbound		Huse Road Westbound		Northbound	Huse Road Eastbound				
Start Time	Left	Right	Thru	Right	Peds	Left	Thru	Exclu. Total	Inclu. Total	Int. Total
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0			
15:30	55	55	98	19	0	12	173	0	412	412
15:45	11	14	98	17	2	15	139	2	294	296
Total	66	69	196	36	2	27	312	2	706	708
16:00	4	4	117	0	0	2	177	0	304	304
16:15	0	0	91	0	0	2	159	0	252	252
16:30	2	11	92	0	0	1	166	0	272	272
16:45	0	1	93	1	0	0	156	0	251	251
Total	6	16	393	1	0	5	658	0	1079	1079
17:00	1	5	114	0	0	0	181	0	301	301
17:15	0	0	109	1	0	0	176	0	286	286
Grand Total	73	90	812	38	2	32	1327	2	2372	2374
Apprch %	44.8	55.2	95.5	4.5		2.4	97.6			
Total %	3.1	3.8	34.2	1.6		1.3	55.9	0.1	99.9	



**CLD Consulting Engineers, Inc.**  
**540 Commercial Street**  
**Manchester, NH 03101**  
**(603) 668-8223**

File Name : PM Huse at Back Drives  
 Site Code : 00030246  
 Start Date : 09/03/2003  
 Page No : 2

Start Time	Harvey Back Drives Southbound			Huse Road Westbound			App. Total	Huse Road Eastbound			Int. Total
	Left	Right	App. Total	Thru	Right	App. Total		Left	Thru	App. Total	
Peak Hour From 15:30 to 17:15 - Peak 1 of 1											
Intersection 15:30											
Volume	70	73	143	404	36	440	0	31	648	679	1262
Percent	49.0	51.0		91.8	8.2			4.6	95.4		
Volume	70	73	143	404	36	440	0	31	648	679	1262
Volume	55	55	110	98	19	117	0	12	173	185	412
Peak Factor											0.766
High Int. 15:30				15:30			3:15:00 PM	15:30			
Volume	55	55	110	98	19	117	0	12	173	185	
Peak Factor			0.325			0.940				0.918	



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**CLD Consulting Engineers, Inc.**  
**540 Commercial Street**  
**Manchester, NH 03101**  
**(603) 668-8223**

Town/State: Manchester, NH  
 Location: Huse Road at Harvey Industries  
 Counter#/Counted By: 2537 (E. Wright)  
 Weather: Overcast

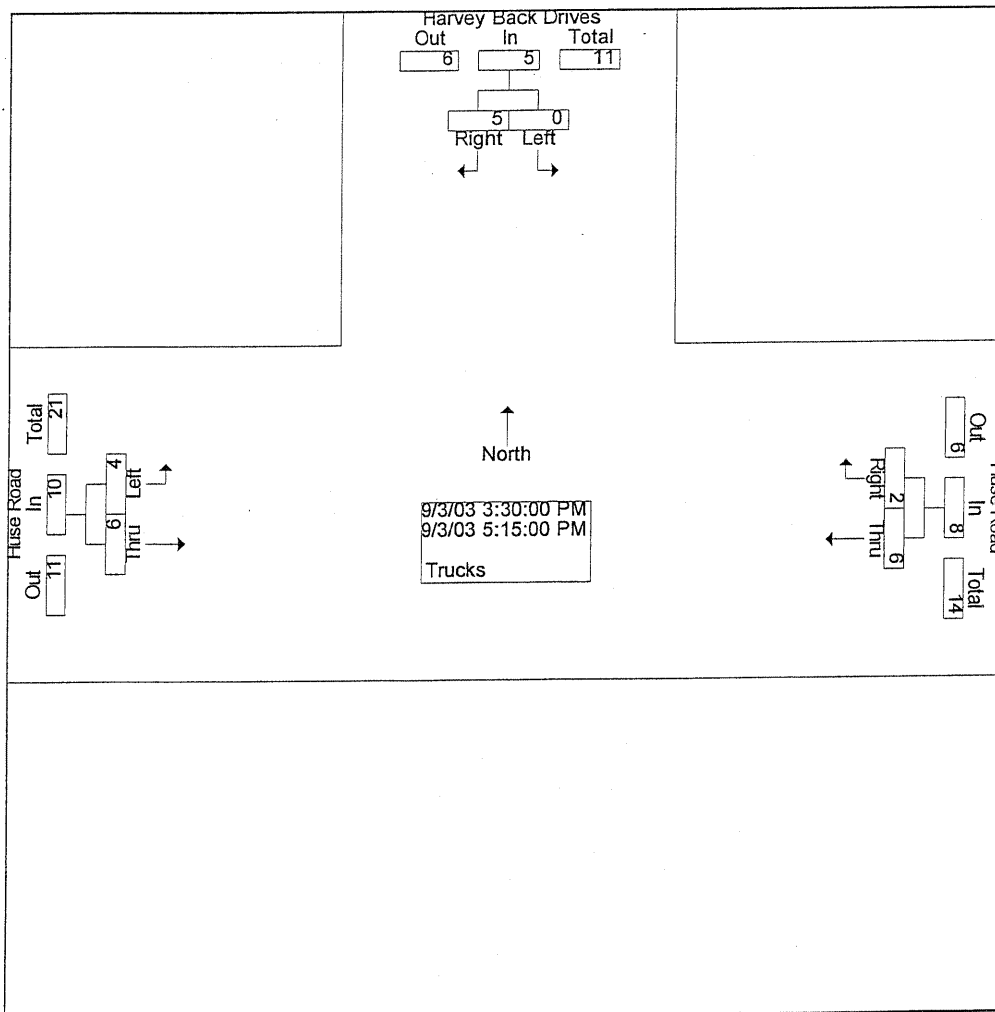
File Name : PM Huse at Back Drives  
 Site Code : 00030246  
 Start Date : 09/03/2003  
 Page No : 1

Groups Printed- Trucks

	Harvey Back Drives Southbound		Huse Road Westbound		Northbound	Huse Road Eastbound				
Start Time	Left	Right	Thru	Right	Peds	Left	Thru	Exclu. Total	Inclu. Total	Int. Total
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0			
15:30	0	1	0	0	0	1	0	0	2	2
15:45	0	3	0	2	0	1	1	0	7	7
Total	0	4	0	2	0	2	1	0	9	9
16:00	0	1	1	0	0	1	0	0	3	3
16:15	0	0	2	0	0	1	1	0	4	4
16:30	0	0	2	0	0	0	2	0	4	4
16:45	0	0	0	0	0	0	2	0	2	2
Total	0	1	5	0	0	2	5	0	13	13

\*\*\* BREAK \*\*\*

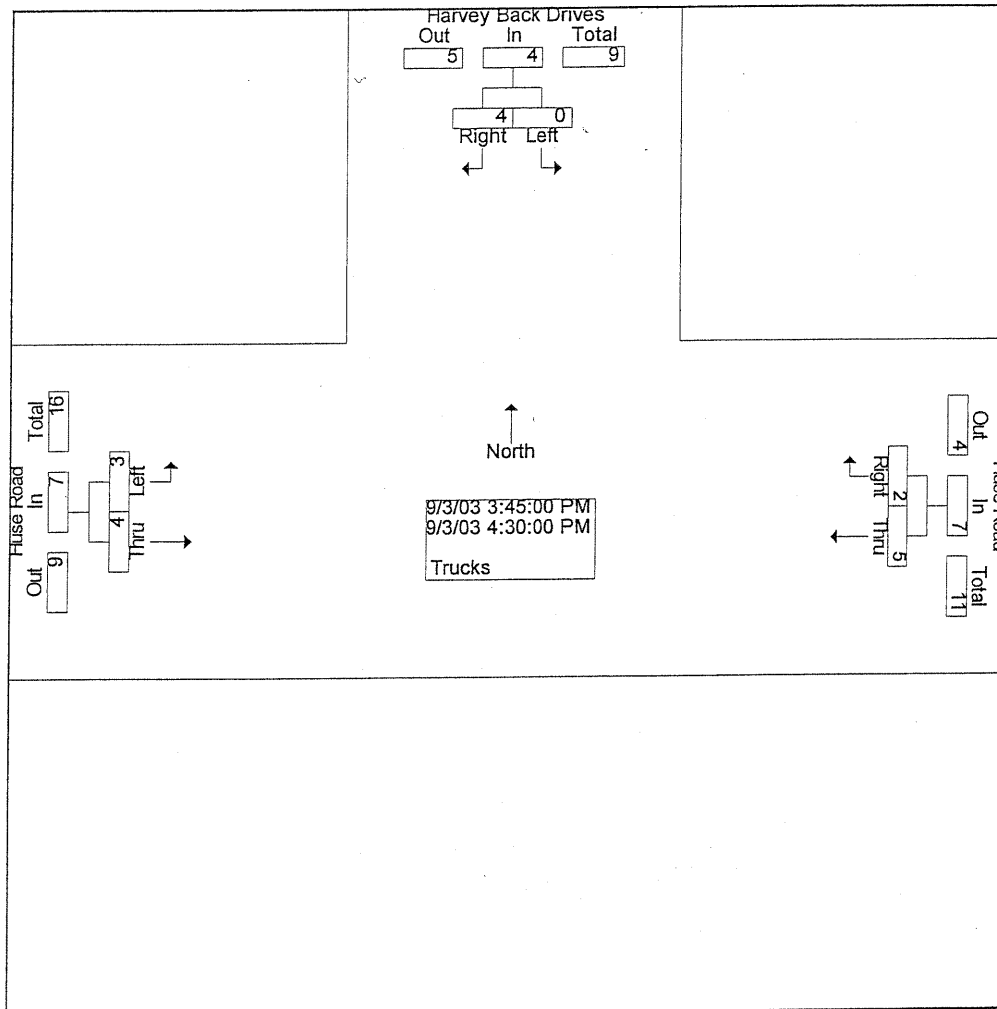
17:15	0	0	1	0	0	0	0	0	1	1
Grand Total	0	5	6	2	0	4	6	0	23	23
Apprch %	0.0	100.0	75.0	25.0		40.0	60.0			
Total %	0.0	21.7	26.1	8.7		17.4	26.1	0.0	100.0	



**CLD Consulting Engineers, Inc.**  
**540 Commercial Street**  
**Manchester, NH 03101**  
**(603) 668-8223**

File Name : PM Huse at Back Drives  
 Site Code : 00030246  
 Start Date : 09/03/2003  
 Page No : 2

Start Time	Harvey Back Drives Southbound			Huse Road Westbound			App. Total	Huse Road Eastbound			Int. Total
	Left	Right	App. Total	Thru	Right	App. Total		Left	Thru	App. Total	
Peak Hour From 15:30 to 17:15 - Peak 1 of 1											
Intersection 15:45											
Volume	0	4	4	5	2	7	0	3	4	7	18
Percent	0.0	100.0		71.4	28.6			42.9	57.1		
Volume	0	4	4	5	2	7	0	3	4	7	18
Volume	0	3	3	0	2	2	0	1	1	2	7
Peak Factor											0.643
High Int. 15:45				15:45			3:15:00 PM	15:45			
Volume	0	3	3	0	2	2	0	1	1	2	
Peak Factor			0.333			0.875				0.875	



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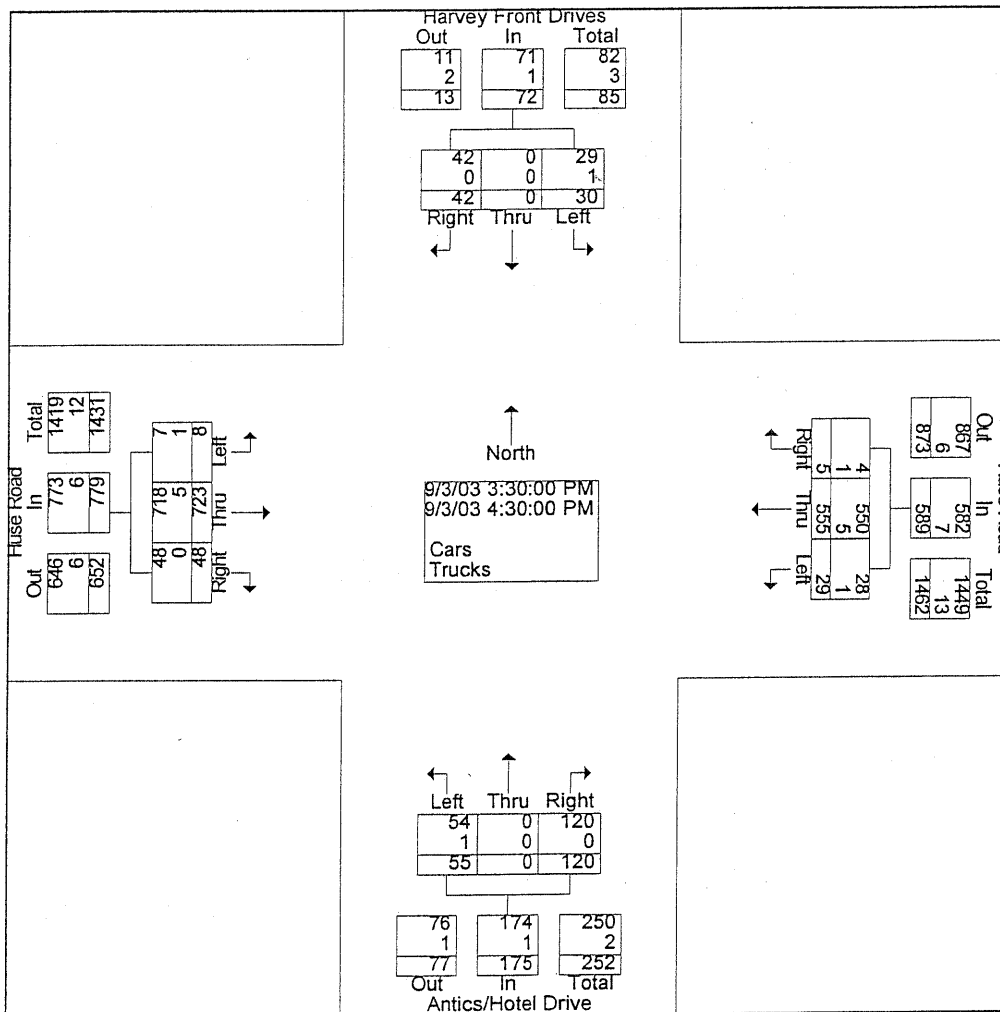
**CLD Consulting Engineers, Inc.**  
**540 Commercial Street**  
**Manchester, NH 03101**  
**(603) 668-8223**

Town/State: Manchester, NH  
 Location: Huse Road at Harvey Industries  
 Counter#/Counted By: 2324 (K.Dandrade)  
 Weather: Overcast

File Name : PM Huse at Front Drives  
 Site Code : 00030246  
 Start Date : 09/03/2003  
 Page No : 1

Groups Printed- Cars - Trucks

	Harvey Front Drives Southbound			Huse Road Westbound			Antics/Hotel Drive Northbound			Huse Road Eastbound			Int. Total
Start Time	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
15:30	19	0	29	12	143	2	14	0	29	2	145	6	401
15:45	2	0	3	4	106	2	11	0	20	2	132	14	296
Total	21	0	32	16	249	4	25	0	49	4	277	20	697
16:00	3	0	3	7	113	0	10	0	36	2	144	12	330
16:15	0	0	4	4	88	1	8	0	15	0	157	11	288
16:30	6	0	3	2	105	0	12	0	20	2	145	5	300
Grand Total	30	0	42	29	555	5	55	0	120	8	723	48	1615
Approch %	41.7	0.0	58.3	4.9	94.2	0.8	31.4	0.0	68.6	1.0	92.8	6.2	
Total %	1.9	0.0	2.6	1.8	34.4	0.3	3.4	0.0	7.4	0.5	44.8	3.0	

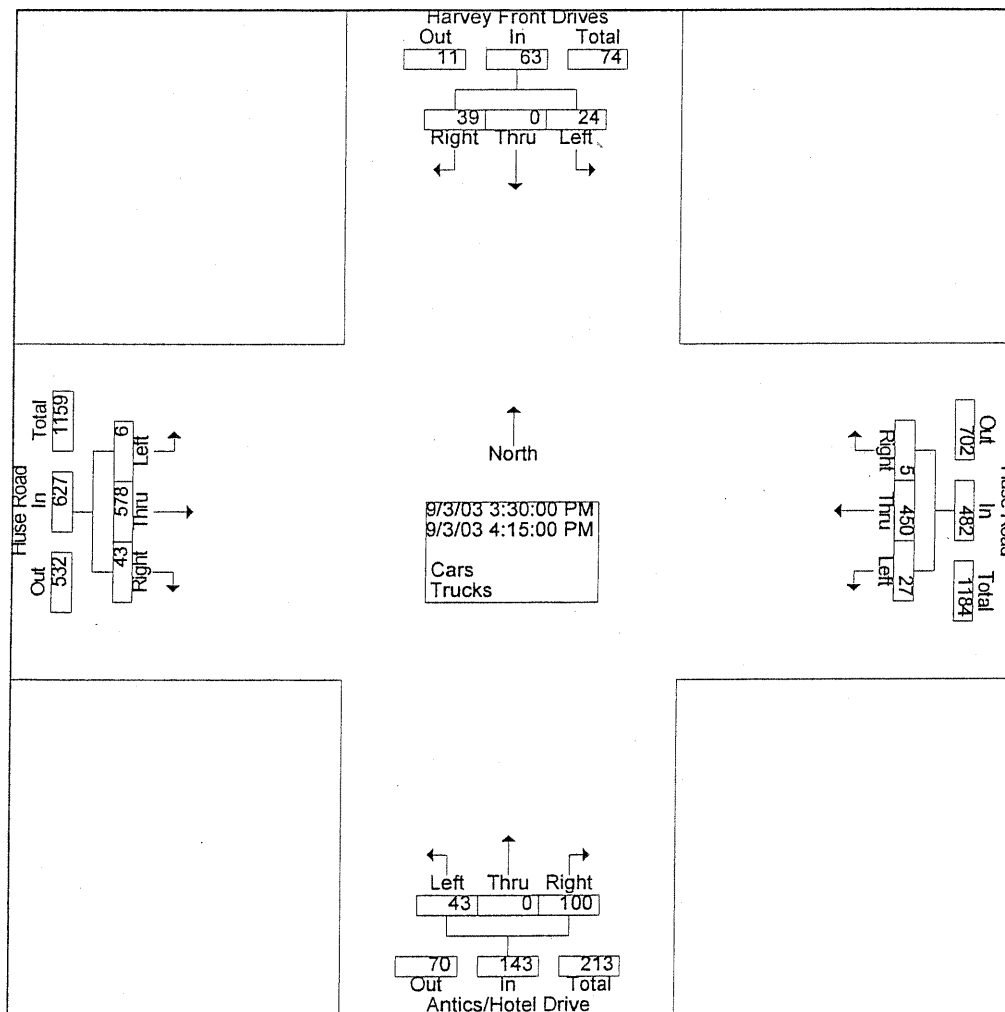


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**CLD Consulting Engineers, Inc.**  
**540 Commercial Street**  
**Manchester, NH 03101**  
**(603) 668-8223**

File Name : PM Huse at Front Drives  
 Site Code : 00030246  
 Start Date : 09/03/2003  
 Page No : 2

	Harvey Front Drives Southbound				Huse Road Westbound				Antics/Hotel Drive Northbound				Huse Road Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour From 15:30 to 16:30 - Peak 1 of 1																	
Intersection	15:30																
Volume	24	0	39	63	27	450	5	482	43	0	100	143	6	578	43	627	1315
Percent	38.1	0.0	61.9		5.6	93.4	1.0		30.1	0.0	69.9		1.0	92.2	6.9		
Volume	24	0	39	63	27	450	5	482	43	0	100	143	6	578	43	627	1315
Volume	19	0	29	48	12	143	2	157	14	0	29	43	2	145	6	153	401
Peak Factor																	0.820
High Int.	15:30				15:30				16:00				16:15				
Volume	19	0	29	48	12	143	2	157	10	0	36	46	0	157	11	168	
Peak Factor	0.328				0.768				0.777				0.933				



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# CLD Consulting Engineers, Inc.

540 Commercial Street

Manchester, NH 03101

(603) 668-8223

Town/State: Manchester, NH

Location: Huse Road at Harvey Industries

Counter#/Counted By: 2324 (K.Dandrade)

Weather: Overcast

File Name : PM Huse at Front Drives

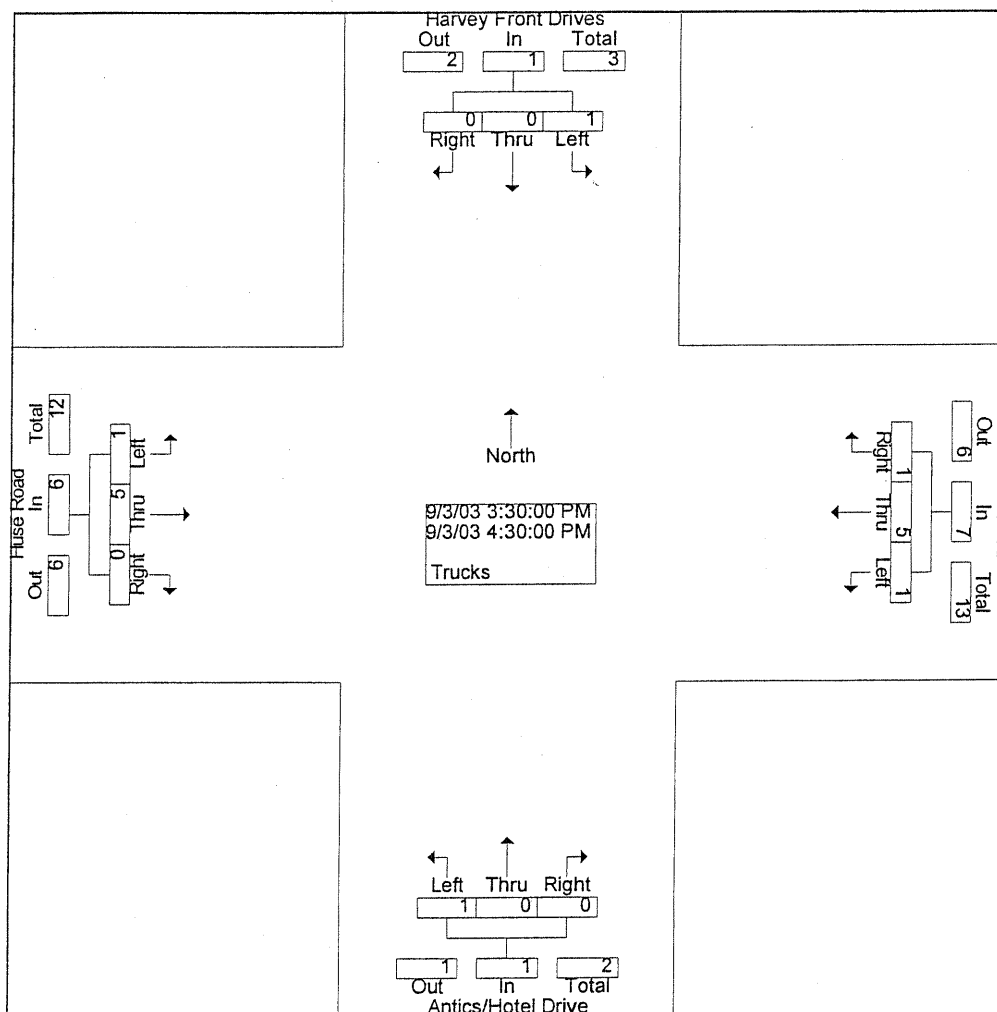
Site Code : 00030246

Start Date : 09/03/2003

Page No : 1

## Groups Printed- Trucks

	Harvey Front Drives Southbound			Huse Road Westbound			Antics/Hotel Drive Northbound			Huse Road Eastbound			Int. Total
Start Time	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
15:30	0	0	0	0	1	0	0	0	0	0	1	0	2
15:45	1	0	0	0	0	1	0	0	0	0	0	0	2
Total	1	0	0	0	1	1	0	0	0	0	1	0	4
16:00	0	0	0	0	2	0	0	0	0	1	1	0	4
16:15	0	0	0	1	0	0	0	0	0	0	2	0	3
16:30	0	0	0	0	2	0	1	0	0	0	1	0	4
Grand Total	1	0	0	1	5	1	1	0	0	1	5	0	15
Apprch %	100.0	0.0	0.0	14.3	71.4	14.3	100.0	0.0	0.0	16.7	83.3	0.0	
Total %	6.7	0.0	0.0	6.7	33.3	6.7	6.7	0.0	0.0	6.7	33.3	0.0	

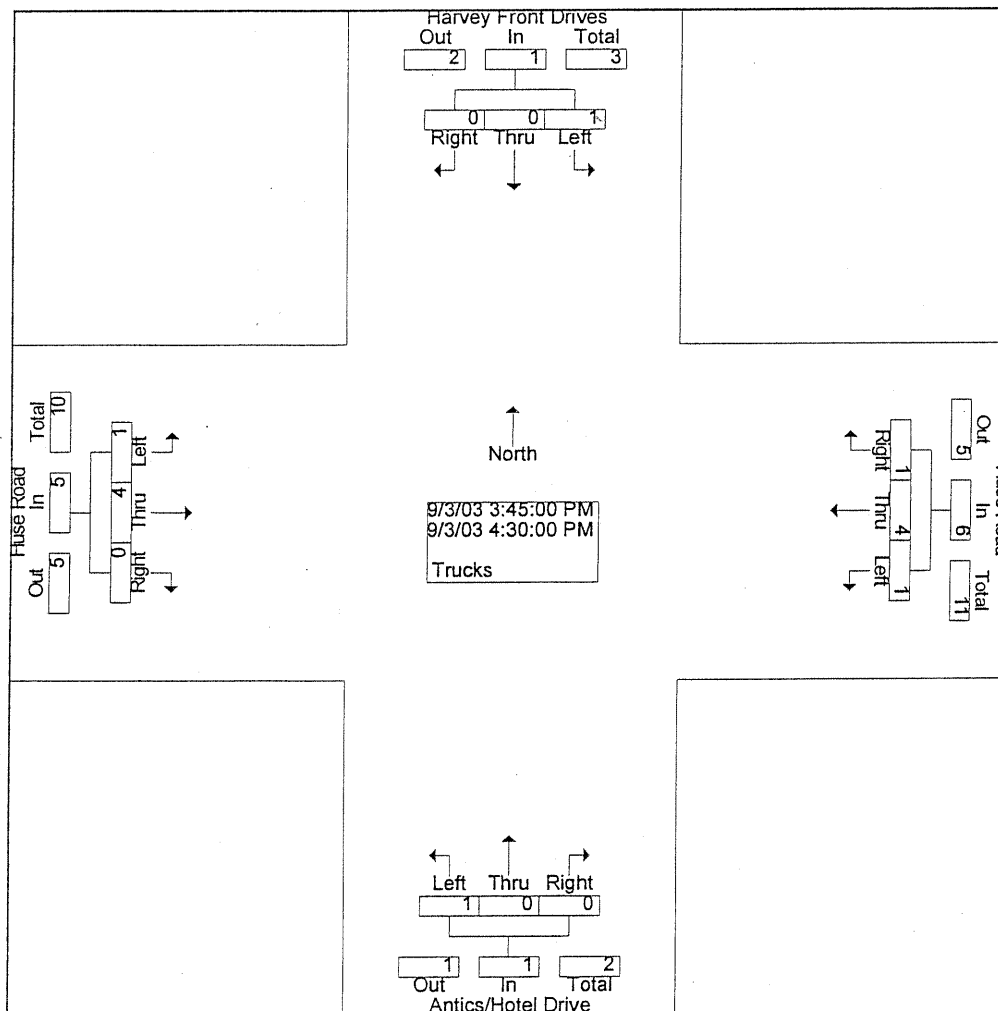


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**CLD Consulting Engineers, Inc.**  
**540 Commercial Street**  
**Manchester, NH 03101**  
**(603) 668-8223**

File Name : PM Huse at Front Drives  
 Site Code : 00030246  
 Start Date : 09/03/2003  
 Page No : 2

	Harvey Front Drives Southbound				Huse Road Westbound				Antics/Hotel Drive Northbound				Huse Road Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour From 15:30 to 16:30 - Peak 1 of 1																	
Intersection 15:45																	
Volume	1	0	0	1	1	4	1	6	1	0	0	1	1	4	0	5	13
Percent	100.	0.0	0.0		16.7	66.7	16.7		100.	0.0	0.0		20.0	80.0	0.0		
	0								0								
Volume	1	0	0	1	1	4	1	6	1	0	0	1	1	4	0	5	13
Volume	0	0	0	0	0	2	0	2	1	0	0	1	0	1	0	1	4
Peak Factor																	0.813
High Int. 15:45					16:00				16:30				16:00				
Volume	1	0	0	1	0	2	0	2	1	0	0	1	1	1	0	2	
Peak Factor				0.250				0.750				0.250				0.625	



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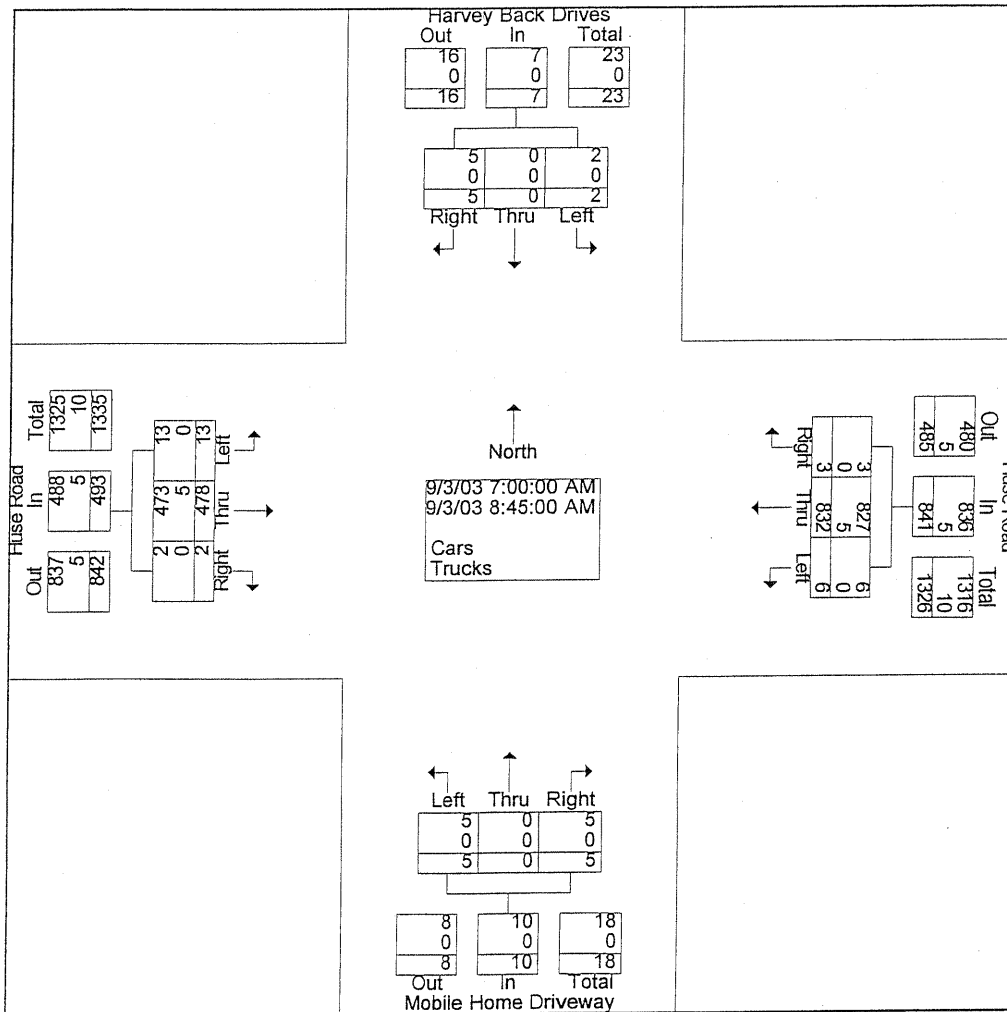
**CLD Consulting Engineers, Inc.**  
**540 Commercial Street**  
**Manchester, NH 03101**  
**(603) 668-8223**

Town/State: Manchester, NH  
 Location: Huse Road at Harvey Industries  
 Counter#/Counted By: 2536 (A.Sanders)  
 Weather: Overcast

File Name : AM Huse Rd at Back Drives  
 Site Code : 00030246  
 Start Date : 09/03/2003  
 Page No : 1

Groups Printed- Cars - Trucks

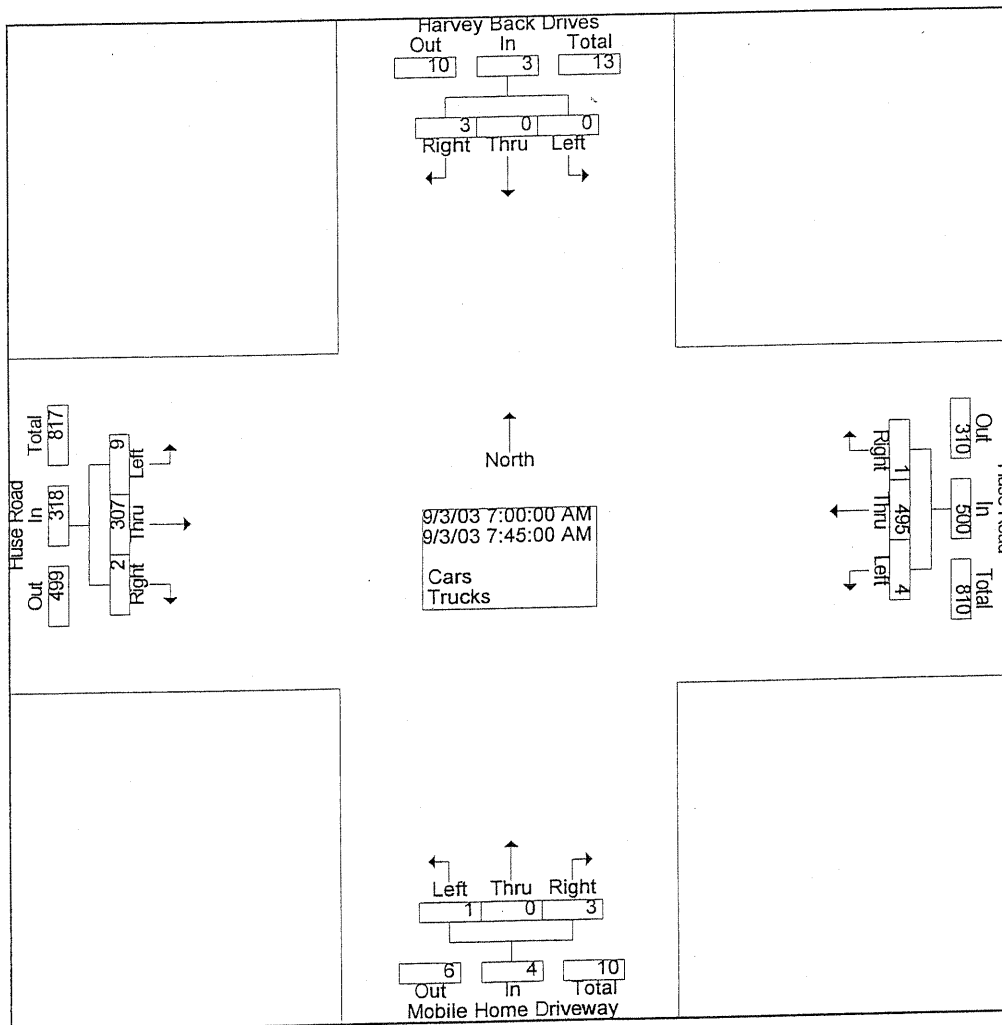
	Harvey Back Drives Southbound			Huse Road Westbound			Mobile Home Driveway Northbound			Huse Road Eastbound			Int. Total
Start Time	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
07:00	0	0	2	1	96	1	0	0	1	2	89	0	192
07:15	0	0	1	2	117	0	0	0	1	1	98	1	221
07:30	0	0	0	1	151	0	0	0	1	3	67	0	223
07:45	0	0	0	0	131	0	1	0	0	3	53	1	189
Total	0	0	3	4	495	1	1	0	3	9	307	2	825
08:00	0	0	0	1	78	0	2	0	2	1	55	0	139
08:15	1	0	1	0	93	0	0	0	0	1	44	0	140
08:30	1	0	0	0	96	1	0	0	0	0	37	0	135
08:45	0	0	1	1	70	1	2	0	0	2	35	0	112
Total	2	0	2	2	337	2	4	0	2	4	171	0	526
Grand Total	2	0	5	6	832	3	5	0	5	13	478	2	1351
Apprch %	28.6	0.0	71.4	0.7	98.9	0.4	50.0	0.0	50.0	2.6	97.0	0.4	
Total %	0.1	0.0	0.4	0.4	61.6	0.2	0.4	0.0	0.4	1.0	35.4	0.1	



**CLD Consulting Engineers, Inc.**  
**540 Commercial Street**  
**Manchester, NH 03101**  
**(603) 668-8223**

File Name : AM Huse Rd at Back Drives  
 Site Code : 00030246  
 Start Date : 09/03/2003  
 Page No : 2

	Harvey Back Drives Southbound				Huse Road Westbound				Mobile Home Driveway Northbound				Huse Road Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour From 07:00 to 08:45 - Peak 1 of 1																	
Intersection 07:00																	
Volume	0	0	3	3	4	495	1	500	1	0	3	4	9	307	2	318	825
Percent	0.0	0.0	100.0		0.8	99.0	0.2		25.0	0.0	75.0		2.8	96.5	0.6		
Volume	0	0	3	3	4	495	1	500	1	0	3	4	9	307	2	318	825
Volume	0	0	0	0	1	151	0	152	0	0	1	1	3	67	0	70	223
Peak Factor																	0.925
High Int. 07:00					07:30				07:00				07:15				
Volume	0	0	2	2	1	151	0	152	0	0	1	1	1	98	1	100	
Peak Factor				0.375				0.822				1.000				0.795	



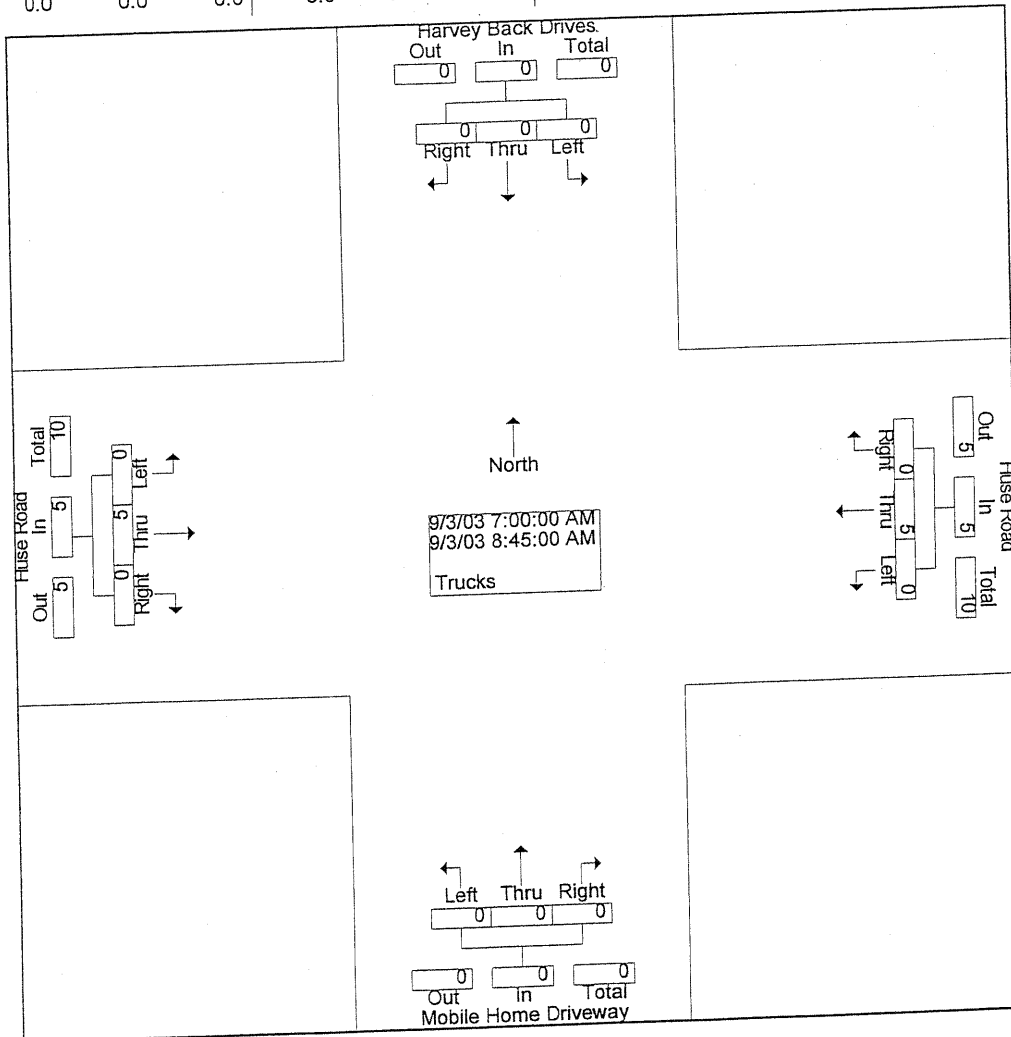
**CLD Consulting Engineers, Inc.**  
**540 Commercial Street**  
**Manchester, NH 03101**  
**(603) 668-8223**

Town/State: Manchester, NH  
 Location: Huse Road at Harvey Industries  
 Counter#/Counted By: 2536 (A. Sanders)  
 Weather: Overcast

File Name : AM Huse Rd at Back Drives  
 Site Code : 00030246  
 Start Date : 09/03/2003  
 Page No : 1

Groups Printed- Trucks

Start Time	Harvey Back Drives Southbound			Huse Road Westbound			Mobile Home Driveway Northbound			Huse Road Eastbound			Int. Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
07:00	0	0	0	0	0	0	0	0	0	0	1	0	1
07:15	0	0	0	0	1	0	0	0	0	0	2	0	3
07:30	0	0	0	0	2	0	0	0	0	0	0	0	2
*** BREAK ***													
Total	0	0	0	0	3	0	0	0	0	0	3	0	6
*** BREAK ***													
08:15	0	0	0	0	0	0	0	0	0	0	2	0	2
08:30	0	0	0	0	2	0	0	0	0	0	0	0	2
*** BREAK ***													
Total	0	0	0	0	2	0	0	0	0	0	2	0	4
Grand Total	0	0	0	0	5	0	0	0	0	0	5	0	10
Apprch %	0.0	0.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	
Total %	0.0	0.0	0.0	0.0	50.0	0.0	0.0	0.0	0.0	0.0	50.0	0.0	

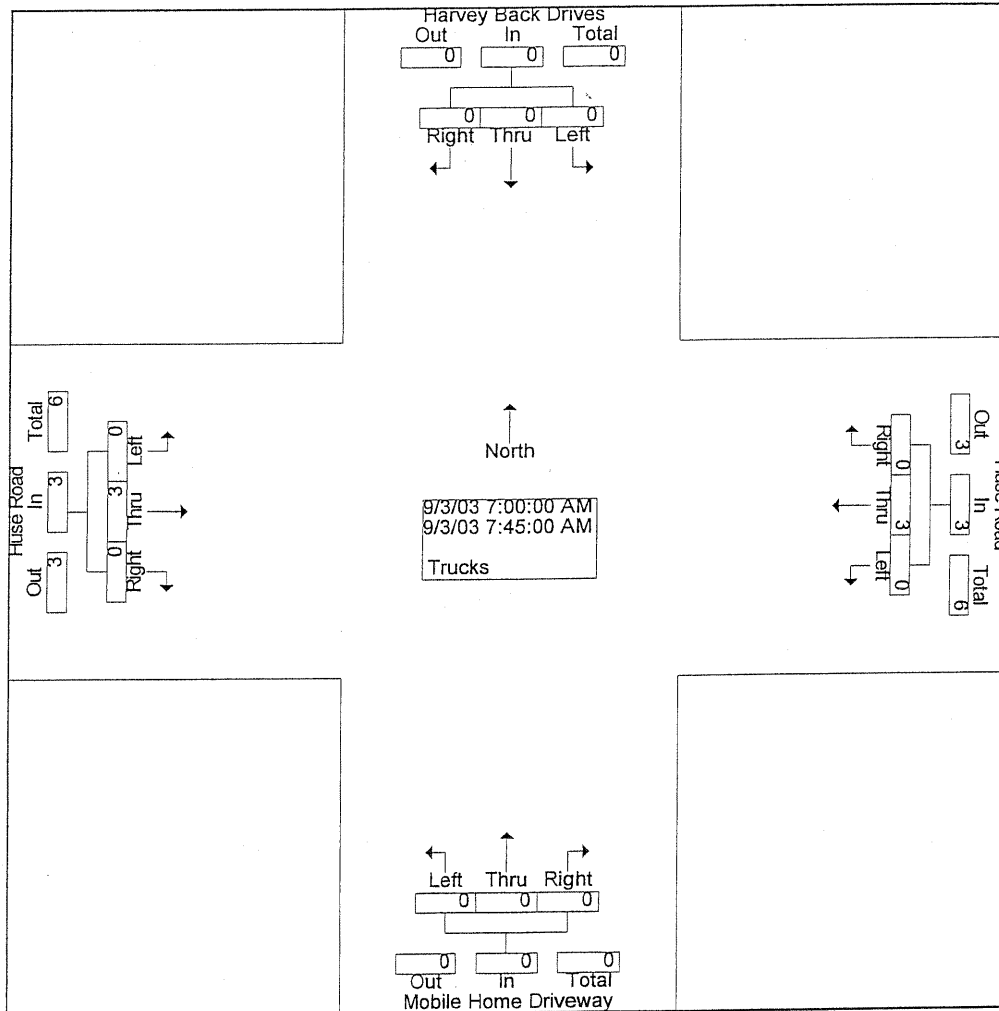


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**CLD Consulting Engineers, Inc.**  
**540 Commercial Street**  
**Manchester, NH 03101**  
**(603) 668-8223**

File Name : AM Huse Rd at Back Drives  
 Site Code : 00030246  
 Start Date : 09/03/2003  
 Page No : 2

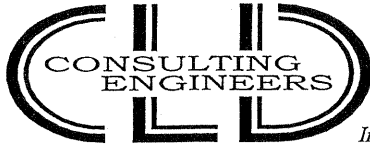
	Harvey Back Drives Southbound				Huse Road Westbound				Mobile Home Driveway Northbound				Huse Road Eastbound				Int. Total
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	
Peak Hour From 07:00 to 08:45 - Peak 1 of 1																	
Intersection 07:00																	
Volume	0	0	0	0	0	3	0	3	0	0	0	0	0	3	0	3	6
Percent	0.0	0.0	0.0		0.0	100.	0.0		0.0	0.0	0.0		0.0	100.	0.0		
Volume	0	0	0	0	0	3	0	3	0	0	0	0	0	3	0	3	6
Volume	0	0	0	0	0	1	0	1	0	0	0	0	0	2	0	2	3
Peak Factor																	0.500
High Int.	6:45:00 AM				07:30				6:45:00 AM				07:15				
Volume	0	0	0	0	0	2	0	2	0	0	0	0	0	2	0	2	
Peak Factor								0.375								0.375	



5

## **Trip Generation Calculations**

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Maine • New Hampshire • Vermont

JOB Harvey INDUSTRIES  
SHEET NO. 1  
CALCULATED BY LMM  
CHECKED BY KRD

JOB NO. 03-0246  
OF 1  
DATE 9/8/03  
DATE 9/10/03  
SCALE N/A

SUBJECT TRIP Generation (EXISTING SITE USE)

EXISTING BUILDINGS: HARVEY INDUSTRIES ±168,250 SF  
CAREFREE ASSOCIATES ±20,025 SF  
±188,275 SF

### TRIP Generation

⇒ FROM CLD TMC Data collected on 9/3/03

	FRONT DRIVE		REAR DRIVE		TOTAL TRIPS		TOTAL
	ENTER	EXIT	ENTER	EXIT	ENTER	EXIT	
AM PEAK (7:00-8:00AM)	10	3	5	2	15	5	(20)
PM PEAK (3:30-4:30PM)	11	63	67	143	78	206	(284)

⇒ CALC'D USING ITE TRIP GENERATION RATES

- ITE LUC (110) : General Light Industrial

#### • AM PEAK HOUR

88% entering, 12% exiting

$$\text{average rate} = 0.92 * 188.275 = 173 \text{ (152 enter, 21 exit)}$$

$$\text{Equation} = 1.183(188.275) - 89.275 = 133$$

#### • PM PEAK HOUR

12% entering, 88% exiting

$$\text{Average rate} = 0.98 * 188.275 = 184 \text{ (22 enter, 162 exit)}$$

$$\text{Equation} = 1.433(188.275) - 163.421 = 106$$

- ITE LUC (140) Manufacturing

#### • PM PEAK HOUR

77% entering, 23% exiting

$$\text{average rate} = 0.73 * 188.275 = 137 \text{ (105 enter, 32 exit)}$$

$$\text{Equation} = 0.531(188.275) - 28.885 = 128$$

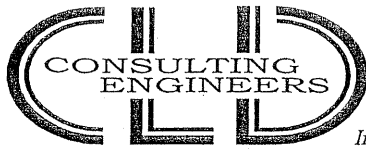
#### • PM PEAK HOUR

36% entering, 64% exiting

$$\text{Average rate} = 0.74 * 188.275 = 139 \text{ (50 enter, 89 exit)}$$

$$\text{Equation} = 0.776(188.275) - 12.885 = 133$$

Note: to be conservative, ITE trip generation rates for the General Light Industrial use which yields a higher value, were utilized.



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JOB Harvey Industries

JOB NO. 03-07416

SHEET NO. 1

OF 3

CALCULATED BY LMM

DATE 8/15/03

CHECKED BY KRO

DATE 9/10/03

SUBJECT TRIP GENERATION (PROPOSED SITE USE)

SCALE N/A

125,000 SF SHOPPING (ENTER ITE LUC (820): SHOPPING LOTTER

① Weekday

average rate = 42.92 Equation =  $\ln(T) = 0.043 \ln(x) + 5.866$

50% enter, 50% exit

- average rate =  $42.92 * 125 = 5365$  enter =  $0.5 * 5365 = 2682$  exit =  $0.5 * 5365 = 2683$

- equation =  $\ln(T) = 0.043 \ln(125) + 5.866 = 8.970606$

$T = 7868$

enter =  $0.5 * 7868 = 3934$  exit =  $0.5 * 7868 = 3934$

② AM Peak Hour

ave rate = 1.03 Equation =  $\ln(t) = 0.596 \ln(x) + 2.329$ , 61% enter, 39% exit

- ave rate =  $1.03 * 125 = 129$  enter =  $129 * 0.61 = 79$  exit =  $129 * 0.39 = 50$

- equation =  $\ln(t) = 0.596 \ln(125) + 2.329 = 5.200675$

$t = 182$

enter =  $0.61 * 182 = 111$  exit =  $0.39 * 182 = 71$

③ PM Peak Hour

Average rate = 3.74 Equation =  $\ln(t) = 0.600 \ln(x) + 3.403$ , 48% enter, 52% exit

- ave rate =  $3.74 * 125 = 468$  enter =  $468 * 0.48 = 225$  exit =  $468 * 0.52 = 243$

- equation =  $\ln(t) = 0.600 \ln(x) + 3.403 = 6.589687$

$t = 728$

enter =  $0.48 * 728 = 349$  exit =  $0.52 * 728 = 379$

④ Saturday

average rate = 49.97 Equation =  $\ln(t) = 0.628 \ln(x) + 6.229$ , 50% enter, 50% exit

- ave rate =  $49.97 * 125 = 6246$  enter =  $6246 * 0.5 = 3123$  exit =  $6246 * 0.5 = 3123$

- equation =  $\ln(t) = 0.628 \ln(125) + 6.229 = 9.261181$

$T = 10522$

enter =  $0.5 * 10522 = 5261$  exit =  $0.5 * 10522 = 5261$

⑤ Saturday Midday Peak

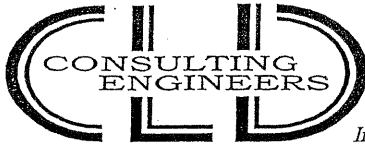
Ave rate = 4.97 Equation =  $\ln(t) = 0.651 \ln(x) + 3.773$ , 52% enter, 48% exit

- ave rate =  $4.97 * 125 = 621$  enter =  $621 * 0.52 = 323$  exit =  $621 * 0.48 = 298$

- equation =  $0.651 \ln(125) + 3.773 = 6.916232$

$T = 1009$

enter =  $0.52 * 1009 = 525$  exit =  $0.48 * 1009 = 484$



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JOB Harvey INDUSTRIES

JOB NO. 03-0246

SHEET NO. 2

OF 3

CALCULATED BY LMM

DATE 9/8/03

CHECKED BY KRD

DATE 9/10/03

SUBJECT TRIP Generation (PROPOSED SITE USE)

SCALE N/A

100,000 SF Shopping center: ITE LUC (820): Shopping center  
7,000 SF High-Turnover (sit-down) restaurant: ITE LUC (832)

① Weekday

- 100,000 SF Shopping center: 50% enter, 50% exit

$$\text{Ave rate} = 42.92 * 100 = 4292$$

$$\text{Equation} = \ln(t) = \ln(100) * 0.643 + 5.866, T = 6817 \text{ enter} = 3408, \text{exit} = 3409$$

- 7,000 SF High-Turnover restaurant: 50% enter, 50% exit

$$\text{ave rate} = 130.34 * 7 = 912 \text{ enter} = 456 \text{ exit} = 456$$

$$\text{Total} = 7129 (3864 \text{ enter, } 3865 \text{ exit})$$

② AM Peak Hour

- 100,000 SF Shopping center: 61% enter, 39% exit

$$\text{Ave rate} = 1.03 * 100 = 103$$

$$\text{Equation} = \ln(t) = \ln(100) * 0.596 + 2.329 = 160 \text{ enter} = 98 \text{ exit} = 62$$

- 7,000 SF High-Turnover restaurant: 52% enter, 48% exit

$$\text{ave rate} = 9.27 (7) = 65 \text{ enter} = 34 \text{ exit} = 31$$

$$\text{Total} = 225 (132 \text{ enter, } 93 \text{ exit})$$

③ PM Peak Hour

- 100,000 SF Shopping center: 48% enter, 52% exit

$$\text{ave rate} = 3.74 * 100 = 374$$

$$\text{Equation} = \ln(t) = 0.660 \ln(100) + 3.403, T = 628 \text{ enter} = 301 \text{ exit} = 327$$

- 7,000 SF High turnover restaurant: 60% enter, 40% exit

$$\text{ave rate} = 10.86 * 7 = 76 \text{ enter} = 46 \text{ exit} = 30$$

$$\text{Total} = 704 (347 \text{ enter, } 357 \text{ exit})$$

④ Saturday

- 100,000 SF Shopping center: 50% enter, 50% exit

$$\text{average rate} = 4997 * 100 = 4997$$

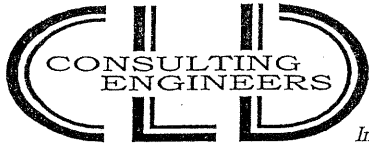
$$\text{Equation} = \ln(t) = 0.628 (100) + 6.229, T = 9146 \text{ enter} = 4573 \text{ exit} = 4573$$

- 7,000 SF high-turnover restaurant: 50% enter, 50% exit

$$\text{average rate} = 158.27 * 7 = 1108 \text{ enter} = 554 \text{ exit} = 554$$

$$\text{Total} = 10,254 (5127 \text{ enter, } 5127 \text{ exit})$$





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JOB HARVEY INDUSTRIES

JOB NO. 03-0246

SHEET NO. 3

OF 3

CALCULATED BY LMM

DATE 9/8/03

CHECKED BY KRD

DATE 9/10/03

SUBJECT TRIP GENERATION (PROPOSED SITE)

SCALE N/A

-CONT-

⑤ Saturday Midday Peak

• 100,000 SF shopping center - 52% enter, 48% exit

average rate =  $4.97 \times 100 = 497$

Equation =  $\ln(+)=0.65(\ln(100))+3.773$ , T = 872 enter = 453 exit = 419

• 7,000 SF high-turnover restaurant 63% enter, 37% exit

average rate =  $20 \times 7 = 140$  enter = 88 exit = 52

total = 1012 (541 enter, 471 exit)

## ITE Trip Generation Rates for A Sample of Uses

Average Rates only - No Equations

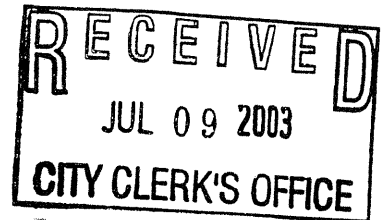
ITE Land Use Code	Description	Units for Rate	Weekday	Saturday	AM Peak Hour	PM Peak Hour	SAT Peak Hour
310 Hotel		# Rooms	8.23	8.19	0.56	0.61	0.72
311 All Suites Hotel		# Rooms	4.90	N/A	0.38	0.40	N/A
312 Business Hotel		# Occupied Rooms	N/A	N/A	0.58	0.62	N/A
320 Motel		# Rooms	5.63	N/A	0.45	0.47	N/A
330 Resort Hotel		# Occupied Rooms	N/A	N/A	0.31	0.42	N/A
492 Racquet Club		Per 1000 sf	17.14	24.51	1.46	1.83	3.11
493 Health Club*		Per 1000 sf	N/A	N/A	0.30	4.30	N/A
495 Recreational Community Center*		Per 1000 sf	N/A	9.10	1.32	1.75	1.25
630 Clinic		Per 1000 sf	31.45	13.54	N/A	5.18	N/A
710 General Office Building		Per 1000 sf	11.01	2.37	1.56	1.49	0.41
714 Corporate Headquarters Bldg.		Per 1000 sf	7.72	N/A	1.47	1.39	N/A
715 Single Tenant Office Building		Per 1000 sf	11.57	N/A	1.78	1.72	N/A
720 Medical-Dental Office Building		Per 1000 sf	36.13	8.96	2.43	3.66	3.63
813 Free-Standing Discount Superstore		Per 1000 sf	46.96	55.06	1.84	3.82	4.91
817 Nursery (Garden Center)		Per 1000 sf	36.08	72.71	1.31	3.80	11.00
818 Nursery (Wholesale)		Per 1000 sf	39.00	29.90	2.40	5.17	5.52
820 Shopping Center		Per 1000 sf	42.92	49.97	1.03	3.74	4.97
832 High-Turnover (Sit-Down) Restaurant		Per 1000 sf	130.34	158.37	9.27	10.86	20.00
833 Fast-Food Restaurant w/o Drive-Thru*		Per 1000 sf	716.00	696.00	43.87	26.15	54.55
834 Fast-Food Restaurant w/ Drive-Thru		Per 1000 sf	496.12	722.03	49.86	33.48	58.91
836 Drinking Place		Per 1000 sf	N/A	N/A	N/A	11.54	N/A
840 Automobile Care Center		Per 1000 sf	N/A	15.86	2.94	3.38	N/A
841 New Car Sales		Per 1000 sf	37.50	21.03	2.21	2.80	2.97
844 Gasoline/Service Station		# vfp**	168.56	N/A	12.27	14.56	N/A
845 Gasoline/Service Station w/ Market		# vfp**	162.78	N/A	10.06	13.38	N/A
846 Gasoline/Service Station w. Market & car wash		# vfp**	152.84	N/A	10.64	13.19	N/A
848 Tire Store		Per 1000 sf	24.87	N/A	2.85	4.12	5.94
849 Wholesale Tire Store		Per 1000 sf	20.36	19.03	1.34	2.11	3.13
850 Supermarket		Per 1000 sf	111.51	177.59	3.25	11.51	12.25
851 Convenience Market		Per 1000 sf	737.99	863.10	65.39	53.73	64.05
853 Convenience Market w/ Gasoline Pumps		Per 1000 sf	845.60	1448.33	45.58	60.61	N/A
880 Pharmacy/Drugstore w/o Drive Thru		Per 1000 sf	90.06	N/A	3.20	7.63	N/A
881 Pharmacy/Drugstore w/ Drive Thru		Per 1000 sf	88.16	N/A	2.66	10.40	N/A
890 Furniture Store		Per 1000 sf	5.06	4.94	0.17	0.45	0.78
911 Walk-in Bank		Per 1000 sf	156.48	13.70	4.07	33.15	4.81
912 Drive-in Bank		Per 1000 sf	265.21	65.98	12.63	54.77	42.18

\* = Very limited data source

\*\* = vehicle fueling position

Note: Each type of retail use has a different average size and parking needs that can affect the actual number of total trips to be generated by the proposed site.

5



nlazos@slvlaw.com

Revised to petition  
submitted 6-3-2003  
tabled 10-14-03

July 8, 2003

VIA Hand Delivery

Board of Mayor and Aldermen  
c/o Manchester City Clerk  
City Hall  
One City Hall Plaza  
Manchester, NH 03101

**RE: Rezone Land of the City of Manchester (Merrill Cemetery) and  
Harvey Industries, Inc. Tax Map 666, Lots 23, 66A, 7, 8 and 9  
and Public Service of NH Tax Map 666, Lot 9A From Industrial  
to B-2.**

Ladies and Gentlemen:

We have previously filed a petition to rezone land of the City of Manchester and Harvey Industries, as referenced above from Industrial to B-2. After review of the Petition, the Manchester Planning Department has requested that the land of the Public Service Company located to the north of the Harvey Industries land on the west side of Huse Road also be rezoned to B-2 from the middle of Huse Road.

I have already discussed this request with Pamela Goucher of the Planning Department and wish to advise you that I have no objection to adding the PSNH parcel to our pending Petition so that all of the property may be acted upon together. I have also attached to this letter additional abutters to the PSNH parcel.

Thank you for your attention to this matter. If you should need any further information please feel free to call me.

Sincerely,

Nicholas J. Lazos

cc: Pamela Goucher  
cc: Client

**IN BOARD OF MAYOR & ALDERMEN**

**DATE:** July 15, 2003

**ON MOTION OF ALD.** Wihby

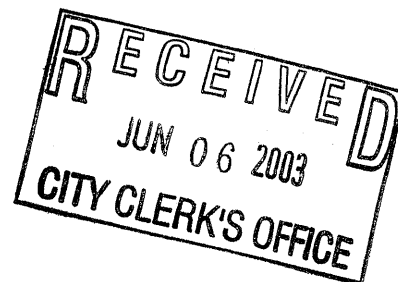
**SECONDED BY ALD.** Shea

**NOTED TO** refer to public hearing in  
September and Cmte. on Bills on  
Second Reading.

nlazos@slvlaw.com

June 3, 2003

VIA Hand Delivery



Board of Mayor and Aldermen  
c/o Manchester City Clerk  
City Hall  
One City Hall Plaza  
Manchester, NH 03101

**RE: Rezone Land of the City of Manchester (Merrill Cemetery) and  
Harvey Industries, Inc. Tax Map 666, Lots 23, 66A, 7, 8 and 9  
From Industrial to B-2.**

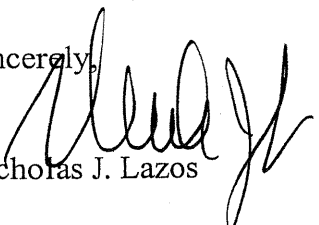
Ladies and Gentlemen:

This attached Petition for an amendment to the Manchester Zoning Ordinance is being made at the request of my client, Harvey Industries, Inc. to rezone the existing Industrial zoned land located north of the centerline of Huse Road containing the Merrill Cemetery and the Harvey Industries facility from Industrial to General Business (B-2). This property is almost surrounded by the South Willow retail district and abutting properties including the Mall of New Hampshire, Antics and two (2) hotels.

I have already discussed this request with Robert Mackenzie of the Planning Department.

Thank you for your attention to this matter. If you should need any further information please feel free to call me.

Sincerely,



Nicholas J. Lazos

cc: Robert Mackenzie  
cc: Client

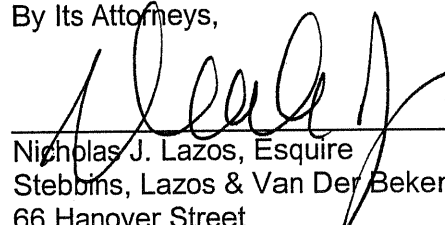
## To the Honorable Board of Mayor and Aldermen of the City of Manchester:

The Undersigned respectfully represents that for the accommodation of the public there is occasion for amending the zoning district applicable to the Merrill Cemetery (f/k/a Stearns Cemetery) and the parcels of land owned by the undersigned located on Huse Road and Old Huse Road (Merrill Road) and known as Map 666, Lots 2B, 6, 6B, 7, 8 and 9 (more particularly described on the attached Exhibit A) (the "Premises") and including that portion of Huse Road to the centerline of Huse Road and Old Huse Road abutting the Premises to B-2 and in support of this Petition offers the following:

1. Map 666 Lots 2B, 6, 6A, 7, 8 and 9 currently are zoned Industrial but are almost completely surrounded by land zoned B-2, including the Mall of New Hampshire to the North and Northwest. The property to the west abuts South Willow Street and the property to the south across Huse Road, includes Antics, Olive Garden and two (2) hotels.
2. Map 666 Lot 2B is owned by the City and contains the Merrill Cemetery.
3. The Premises is located at a high traffic location next to the largest retail area in Manchester and is better suited for commercial and retail development.

The Petitioner, therefore respectfully requests that the Honorable Board of Mayor and Aldermen grant this Petition.

Sincerely,  
Harvey Industries, Inc.  
By Its Attorneys,



Nicholas J. Lazos, Esquire  
Stebbins, Lazos & Van Der Beken, PA  
66 Hanover Street  
Manchester, NH 03101

*Note: Tax Map 866  
lot 9A  
added via communication  
dated 7-8-2003*

(MALL OF N.H.)

"Approx. area to  
be rezoned to B-2"

B-2

R-1B

IND

B-2

South Willow Street

meter Road

This  
Manch  
the Cit  
Boa

## MEMORANDUM

This Memorandum as required by Article 16 of the City of Manchester's Zoning Ordinance is in support of the application by Harvey Industries, Inc. related to Map 666, Lots 2B, 6, 6A, 7, 8 and 9 on Old Huse Road and Huse Road, Manchester, New Hampshire ("Premises") to amend the zoning map to include the Premises in a B-2 Zone.

1. The description of the Premises is attached hereto in the form of a Lot Line Adjustment Plan for Lots 6, 6A, 7, 8 and 9 and Tax Map for Lot 2B (Merrill Cemetery).
2. The purpose and intent of the proposed amendment is to amend the zoning map to include the Premises within the B-2 Zone.
3. The existing zoning district is Industrial but is almost completely surrounded by the South Willow Street B-2 commercial district.
4. Impact on District and Adjacent Neighborhoods.

The change in zoning classification will result in a land use which is consistent with the existing uses and will be zoned in a manner consistent with abutting properties. The new zoning classification will have no effect on the adjacent properties since it will reflect existing uses and appropriate uses for the Premises. The current use of the Premises will continue until such time as the Premises may be sold.

5. The proposed amendment will have a very beneficial impact on the City's economy, environment and municipal services. If the property is sold and redeveloped the new uses on the Premises will provide the City with expanded tax base and a consistent and compatible land use with the surrounding retail area. Among other improvements, the current truck traffic servicing the Harvey Industries operations will be removed from the traffic on South Willow Street. There will be no impact on City services since all utilities are presently available to the Premises. Any future development of the property will require approval from and review by the Manchester Planning Board which will include traffic studies, modified driveways and site plan review to address any possible impacts.
6. Attached is a list of all abutters, addresses and tax map numbers.

Map	Lot	Address	Owner
666	003	South Willow Street	HT Manchester LLC 9 Hamlins Crossing West Dover, MA 02030
666	004	1816 South Willow Street	HT Manchester LLC 9 Hamlins Crossing West Dover, MA 02030
666	0002		Stephen R. Kemp CIGNA Investments, Inc. One Wells Avenue Manchester Mall Realty Trust Newton, MA 02159-3211
666	0001	1516 South Willow Street	John N. Ashkar Ashkar Children's Limited Liability Company 15 Fairmount Drive Danbury, CT 06811-4412
666	0002B	Merrill Street	City of Manchester One City Hall Plaza Manchester, NH 03101
666	0009A	Huse Road	PSNH PO Box 330 Manchester, NH 03105
666A	0003	1500 South Willow Street	MNH Mall L.L.C. C/O Simon Property Group PO Box 6120 Indianapolis, IN 46207
666A	0003A		MNH Mall LLC 1 Wells Avenue Newton, MA 02159-3211
666	0005		Harvey Industries
	0006	707 Huse Road	Harvey Industries
	0006A	697 Huse Road	Harvey Industries
	0007A		Harvey Industries
	0008	679 Huse Road	Harvey Industries
	0009	635 Huse Road	Harvey Industries
666A	0002	Huse Road	May Center Associates Corp. d/b/a Filenes 611 Olive Street #1300 St. Louis, MO 63101-1799
0852	0002B	1888 South Willow Street	Pindot Corp 108 Campbell Street Manchester, NH 03104



852	0001A	680 Huse Road	Louis Lylis CCTEE 680 Huse Road Manchester, NH 03103-2320 Lylis Julia, Trustee Lylis Family Revocable Trust
852	0002B	1888 South Willow Street	Pindot Corp 108 Campbell Street Manchester, NH 03104
852	0002D	700 Huse Road	Sheetal Hotel LLC 700 Huse Road Manchester, NH 03101
852	0002F	686 Huse Road	Kenny Hotel LLC 195 Westgate Drive Brockton, MA 02301
852	0005B	664 Huse Road	Gendon, Robert 664 Huse Road Manchester, NH 03103-2320
852	0006	672 Huse Road	Huse Road Manufactured Housing Coop. 672 Huse Road Manchester, NH 03103-2303
853	0003	Huse Road	PSNH PO Box 330 Manchester, NH 03105
874	0008	1753 South Willow Street	CB/DB Revoc. Trust 91 Gardner Road Hubbardston, MA 01452
874	0009	1741 South Willow Street	Centercorp Taunton LLC C/o Centercorp retail Prop. Inc. 600 Loring Avenue Salem, MA 01970
	0007	1707 South Willow Street	South End Properties 823 Union Street Manchester, NH 03104
	0007A		South End Properties 823 Union Street Manchester, NH 03104
	0006	1685 South Willow Street	99 Remainder IV LLC c/o US Realty Advisors LLC 1730 Avenue of the Americas New York, NY 10019
874	0005		Arthur J. Epstein 7 Kimball Lane Building B Lynnfield, MA 01940

Map	Lot	Address	Owner
666A	12	South Willow St.	J.C. Penney Properties 6501 Legacy Dr. Plano, Texas 75024-3698 Book 5804 Pg. 76
921	10	600 Huse Road	Joseph L. Guerra Melanie Guerra 600 Huse Road Manchester, NH 03103-2309
921	26	610 Huse Road	Robert J. Marcotte Lisa J. Marcotte 610 Huse Road Manchester, NH 03103-2301
853	35	Huse Road	Public Service Co. of N.H. P. O. Box 330 Manchester, NH 03105-0330

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# City of Manchester New Hampshire

*In the year Two Thousand and Three*

## AN ORDINANCE

Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned IND (General Industrial) to R-SM (Residential Suburban Multifamily) by extending the R-SM zone district on a portion of property identified as TM 478, Lot 8, located on Candia Road.

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION I.), Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned IND (General Industrial) to R-SM (Residential Suburban Multifamily) by extending the R-SM zone district on a portion of property identified as TM 478, Lot 8, located on Candia Road, and being more particularly bounded and described as follows:

Beginning at a point located at the southeasterly corner of the herein described property, at the intersection of TM 478, Lot 2, TM 727, Lots 24B & 33, also being the northeast corner of the R-SM (Residential Suburban Multifamily) and the IND (General Industrial) districts, prior to this amendment;

Thence, in a westerly direction along the property line of TM 478, Lot 2 & TM 478, Lot 8, also being the zone boundary line of the R-SM (Residential Suburban Multifamily) and IND (General Industrial) districts, prior to this amendment, a distance of approximately 357 feet, to a point;

Thence, in a southerly direction along the property line of TM 478, Lot 2 & TM 478, Lot 8, also being the zone boundary line of the R-SM (Residential Suburban Multifamily) and IND (General Industrial) districts, prior to this amendment, a distance of approximately 522 feet, to a point;

Thence, in a westerly direction along the property line of TM 478, Lot 2 & TM 478, Lot 8, also being the zone boundary line of the R-SM (Residential Suburban Multifamily) and IND (General Industrial) districts, prior to this amendment, a distance of approximately 343 feet, to a point;

Thence, in a northerly direction along the property line of TM 478, Lot 8A & TM 478, Lot 8, also being the zone boundary line of the R-1B (Residential One Family) and IND (General Industrial) districts, prior to this amendment, a distance of approximately 630 feet, to a point;

Thence, in a easterly direction across TM 478, Lot 8 along a metes and bound line described as North 59 degrees, 31 minutes, and 52 seconds East, also being the new zone boundary line of the R-SM (Residential Suburban Multifamily) and IND (General Industrial) districts, after this amendment, a distance of approximately 465 feet, to a point;

# City of Manchester New Hampshire

*In the year Two Thousand and Three*

## AN ORDINANCE

Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned IND (General Industrial) to R-SM (Residential Suburban Multifamily) by extending the R-SM zone district on a portion of property identified as TM 478, Lot 8, located on Candia Road.

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

Thence, in a southerly direction along the property line of TM 727, Lots 24 D, 24 C, 24 B & TM 478, Lot 8, also being the new zone boundary line of the R-SM (Residential Suburban Multifamily) and IND (General Industrial) districts, after this amendment, a distance of approximately 579 feet, to a point, said point also being the point of beginning.

Said description to include a 7.6 acre portion of TM 478, Lots 8.

SECTION II. Resolve this ordinance shall take effect upon passage.

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# City of Manchester New Hampshire

*In the year Two Thousand and Three*

## AN ORDINANCE

“Amending the Zoning Ordinance of the City of Manchester by amending Article 5, Section 5.10, G-6 of the Table of Principal Uses by inserting a “P” in the “IND – General Industrial/Industrial Park” column of item G-6 of the table.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION I.) Amending the Zoning Ordinance of the City of Manchester by amending Article 5, Section 5.10, G-6 of the Table of Principal Uses by inserting a “P” in the “IND – General Industrial/Industrial Park” column of item G-6 of the table.

SECTION II. Resolve this ordinance shall take effect upon passage.



Robert S. MacKenzie, AICP  
Director

**CITY OF MANCHESTER**  
**Planning and Community Development**

Planning  
Community Improvement Program  
Growth Management




Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

10/14/03 - Tabled

Memorandum

To: Committee on Bills on Second Reading

From: Robert S. MacKenzie   
Director of Planning

Date: October 8, 2003

re: Proposed Rezoning of property on Candia Road

This request is actually composed of two parts. First, the rezoning of a portion of land from IND to R-SM on a property on the south side of Candia Road and east of I-93. Second is a text change to the ordinance that would allow drive-thru windows for restaurants in the IND district.

With respect to the map change, our staff has not had time to discuss the issues related to this. The Board may want additional information on school impacts and possible traffic. It would be my opinion, however, that the configuration of the property – particularly the southern one third – lends itself better to residential than industrial. This is because the site tucks in behind existing residential areas and certain industrial uses in this location would be disruptive of the neighborhood.

A question was also raised on whether the rezoning request complies with the 10 acre limitation of the Zoning Ordinance for R-SM zones. We are preparing a letter to the City Solicitor on this issue.

With respect to the drive-thru provision, it is our opinion that if the Board is inclined to allowing the proposed uses, that this change would be far more preferable than changing the zoning of the larger area to a commercial district. If this change were made I would note that additional changes might be required in order to avoid an anomaly in the ordinance.

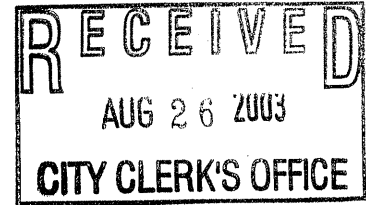
I will be available at your next meeting should you have questions.

One City Hall Plaza, Manchester, New Hampshire 03101  
Phone: (603) 624-6450 FAX: (603) 624-6529  
E-mail: [planning@ci.manchester.nh.us](mailto:planning@ci.manchester.nh.us)  
[www.ci.manchester.nh.us](http://www.ci.manchester.nh.us)

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nlazos@slvlaw.com



August 25, 2003

VIA Hand Delivery

Board of Mayor and Aldermen  
c/o Manchester City Clerk  
City Hall  
One City Hall Plaza  
Manchester, NH 03101

**RE: Rezone a Portion of Land of Candia Realty, LLC known as  
Tax Map 478, Lot 8 From Industrial to R-SM. And Amend  
Section 5.10 of the Zoning Ordinance.**

Ladies and Gentlemen:

This attached Petition for an amendment to the Manchester Zoning Ordinance is being made at the request of my client, Candia Realty, LLC. to rezone a portion of the existing Industrial zoned land located on Candia Road containing approximately 7.6 acres (as more specifically described in the Petition) from Industrial to Residential Suburban Multifamily (R-SM). This Petition will effectively extend the existing R-SM Zone south of the Property (which currently contains the Eastgate Apartment Complex) north to include approximately three fourths (3/4) of the Property owned by Candia Realty, LLC. The Property also abuts an existing R-1B Residential Zone to the west. In addition, we request an amendment of the Table of Uses of the Ordinance to permit Drive Through Service for restaurants allowed in the Industrial Zone.

We have already discussed this request with Robert Mackenzie of the Planning Department.

We request that the Petition be included in the proposed public hearing for other Zoning Amendments scheduled for the end of September.

STEBBINS, LAZOS & VAN DER BEKEN  
PROFESSIONAL ASSOCIATION

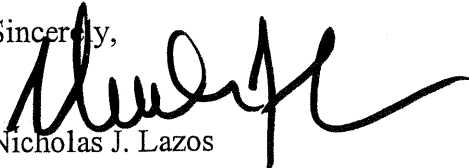
The Daily Mirror Building  
66 Hanover Street, Suite 301  
Manchester, NH 03101  
Telephone (603) 627-3700  
Facsimile (603) 641-8900

F:\Lazos\clients\Dunkin Donuts\Manchester Candia Rd\Zoning\lt Manchester City Clerk zoning.doc

6

Thank you for your attention to this matter. If you should need any further information please feel free to call me. We also enclose a check for \$300.00 as required by the Ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nicholas J. Lazos', written over the printed name.

Nicholas J. Lazos

cc: Robert Mackenzie

cc: Client



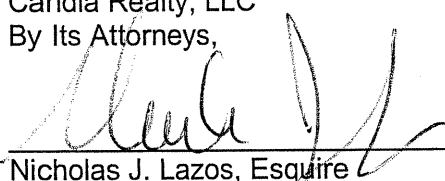
## To the Honorable Board of Mayor and Aldermen of the City of Manchester:

The Undersigned respectfully represents that for the accommodation of the public there is occasion for amending the zoning district applicable to a portion of a 10.94 acre parcel located on Candia Road and known as Map 478, Lot 8 (more particularly described on the attached Exhibit A) (the "Premises") from the current Industrial Zone (Ind) to the Residential Suburban Multifamily (R-SM) support of this Petition offers the following:

1. Map 478 Lot 8 is currently zoned Industrial and abuts the existing R-SM Zone to the south and the R-1B Residential Zone to the west. The purpose of this Petition is to extend the R-SM Zone north to include that portion of the property described in Exhibit A attached hereto and on the attached proposed Development Plan..
2. Petitioner also requests that Section 5.10 G. 6 of the Table of Principal Uses of the Zoning Ordinance amended by inserting a "P" in the "IND General Industrial/Industrial Park" column of said Item G. 6 of the Table.

The Petitioner, therefore respectfully requests that the Honorable Board of Mayor and Aldermen grant this Petition.

Sincerely,  
Candia Realty, LLC  
By Its Attorneys,



Nicholas J. Lazos, Esquire  
Stebbins, Lazos & Van Der Beken, PA  
66 Hanover Street  
Manchester, NH 03101

The land known as Tax Map 748, Lot 8, Candia Road, Manchester, Hillsborough County, New Hampshire, as shown on a plan entitled "TM 748 Lot 8, Dunkin Donuts, Candia Road, Manchester, NH, Development Plan" dated July 2003 Scale 1" = 50' by CLD Consulting Engineers and further described as follows:

Beginning at a point located at the southeasterly most corner of the herein described tract and the intersection of Lots 478/2, 727/33 and 727/24; thence,

- 1) North 64° 20' 22" West along Lot 478/2, a distance of 15.03 feet to a point; thence
- 2) North 74° 33' 02" West along Lot 478/2, a distance of 135.65 feet to a point; thence
- 3) North 71° 42' 43" West along Lot 478/2, a distance of 35.86 feet to a point; thence
- 4) North 77° 55' 43" West along Lot 478/2, a distance of 33.73 feet to a point; thence
- 5) North 74° 36' 15" West along Lot 478/2, a distance of 137.20 feet to a point; thence
- 6) South 03° 10' 10" West along Lot 478/2, a distance of 131.39 feet to a point; thence
- 7) South 02° 21' 39" West along Lot 478/2, a distance of 97.72 feet to a point; thence
- 8) South 02° 26' 58" West along Lot 478/2, a distance of feet 16.81 feet to a point; thence
- 9) South 02° 40' 57" West along Lot 478/2, a distance of 104.82 feet to a point; thence
- 10) South 01° 51' 33" West along Lot 478/2, a distance of 64.95 feet to a point; thence
- 11) South 04° 12' 50" West along Lot 478/2, a distance of 47.55 feet to a point; thence
- 12) South 00° 14' 17" West along Lot 478/2, a distance of 59.62 feet to a point; thence
- 13) North 79° 11' 20" West along Lot 478/2, a distance of 189.46 feet to a point; thence
- 14) North 71° 45' 20" West along Lot 478/2, a distance of 153.89 feet to a point at the southwest corner; thence

- 15) North 05° 05' 36" East along Lot 478/8A, a distance of 450.75 feet to a point; thence
- 16) North 03° 59' 37" East along Lot 478/8A, a distance of 92.09 feet to a point; thence
- 17) North 03° 22' 31" East along Lot 478/8A, a distance of 87.79 feet to a point at the northwest corner of the herein described tract; thence,
- 18) North 59° 31' 52" East along New Lot 478/8B, a distance of 354.19 feet to a point; thence
- 19) Along a curve with a radius of 57.00, a length of 116.17 feet to a point; thence
- 20) North 64° 43' 25" East, a distance of feet 52.48 to a point; thence
- 21) South 25° 16' 35" East along Lot 727/24C, a distance of feet 12.34 to a point; thence
- 22) South 25° 51' 57" East along Lot 727/24C, a distance of feet 246.35 to a point; thence
- 23) South 24° 54' 39" East along Lot 727/24C, a distance of feet 106.86 to a point; thence
- 24) South 24° 44' 34" East along Lot 727/24B, a distance of feet 109.38 to a point; thence
- 25) South 18° 19' 43" East along Lot 727/24B, a distance of feet 16.97 to the point of beginning.

All distances are approximate.

## MEMORANDUM

This Memorandum as required by Article 16 of the City of Manchester's Zoning Ordinance is in support of the application by Candia Realty, LLC related to Map 478, Lot 8 on Candia Road, Manchester, New Hampshire ("Premises") to amend the zoning map to extend the existing Residential Suburban Multifamily Zone (R-SM) to include the southerly eight (8) acre portion of the Premises.

1. The description of the portion of the Premises to be rezoned is attached hereto in the form of an Exhibit A and a proposed Development Plan.
2. The purpose and intent of the proposed amendment is to amend the zoning map to include the Rezoned Area within the R-SM Zone.
3. The existing zoning district is Industrial but The Premises abuts an existing R-SM Zone to the south and an existing R-1B zone to the west.
4. Impact on District and Adjacent Neighborhoods.

The change in zoning classification will result in a land use which is consistent with the existing uses and will be zoned in a manner consistent with abutting properties. The new zoning classification will have no effect on the adjacent properties since it will reflect and extend existing uses and appropriate uses for the Rezoned Area. The Rezoned Area will serve as a buffer between the R-1B Zoned Area and the Industrial Area to the east. The current use of the Premises will continue until such time as the Premises may be sold.

5. The proposed amendment will have a very beneficial impact on the City's economy, environment and municipal services. The proposed extension of the Suburban Multifamily Zone will provided needed apartment housing for the City and will retain a significant amount of open space. In addition, this extended R-SM Zone creates a buffer zone between the single family area to the west and the developed industrial area to the east. Any future development of the property will require approval from and review by the Manchester Planning Board which will include traffic studies, modified driveways and site plan review to address any possible impacts.

The proposed amendment of the Table of Uses of the Ordinance to permit drive through service in the Industrial Zone is consistent with the permitted uses in the Industrial Zoned areas. The drive through service enhances the convenience and accessibility of smaller restaurants which are already permitted by right in the Industrial Zone. In the present case, drive through service is already permitted in the "Wendy's Restaurant" located directly across Candia Road.

6. Attached is a list of all abutters, addresses and tax map numbers.

Petition to ReZone

Candia Road Lot 478/8

Manchester, New Hampshire

List of Abutters

Owners of record as of 7-31-03 4:00 P.M.

**Lot 478/2**

Eastgate Apartment Associates Limited Partnership  
540 N. Commercial Street  
Manchester, NH 03101-1146

**Lot 478/8A**

City of Manchester  
Tax Collector  
908 Elm Street  
Manchester, NH 03101

**Lot 893/1**

Wendy's Old Fashioned Hamburgers  
P.O. Box 256  
4288 W. Dublin Granville Rd  
Dublin, Ohio 43017

**Lot 893/2**

Wendy's Old Fashioned Hamburgers  
P.O. Box 256  
4288 W. Dublin Granville Road  
Dublin, Ohio 43017

\*\*\*\*Former owner James A. Spring

**Lot 727/24D**

Extra Space Northern Investment LLC  
2795 Cottonwood Portway #400  
Salt Lake City, UT 84121

\*\*\* Former owner Safeloc Storage

**Lot 272/24C**

Normand J. Campeau  
449 Hayward Street  
Manchester, NH 03103

**Lot 727/24B**

Robert Buckley, Trustee  
385 King Street  
Hanover, MA 02339

Add'l owner

Josephine Buckley as Trustee  
Buckley Manchester Realty Trust

**Lot 272/33**

Duryco LLC  
C/o DRC Realty LLC  
720 E. Industrial Park Dr. #1  
Manchester, NH 03109



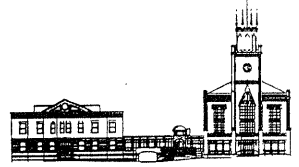


Robert S. MacKenzie, AICP  
Director

# CITY OF MANCHESTER

## Planning and Community Development

Planning  
Community Improvement Program  
Growth Management



Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

TO: City Clerk  
FROM: City Planning Dept. *TLH*  
DATE: Sept. 5, 2003

RE: Short title for zoning amendments requested for property located on Candia Road, TM 478, Lot 8 by Candia Realty, LLC

Listed below are the short titles for two requests to the Board of Mayor and Aldermen. One description represents a map change, while the second represents a text change.

Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned IND (General Industrial) to R-SM (Residential Suburban Multifamily) by extending the R-SM zone district on a portion of property identified as TM 478, Lot 8, located on Candia Road.

Amending the Zoning Ordinance of the City of Manchester by amending Article 5, Section 5.10, G-6 of the Table of Principal Uses by inserting a "P" in the "IND - General Industrial/Industrial Park" column of item G-6 of the table.

One City Hall Plaza, Manchester, New Hampshire 03101  
Phone: (603) 624-6450 FAX: (603) 624-6529  
E-mail: [planning@ci.manchester.nh.us](mailto:planning@ci.manchester.nh.us)  
[www.ci.manchester.nh.us](http://www.ci.manchester.nh.us)

*b*



11/6/02 - Table pending  
into from Intam.  
1/14/03 - Remained on  
table  
6/2/03 - " "  
10/14/03 - " "

To the Board of Mayor and Aldermen of the City of Manchester:

Gentlemen:

The Committee on Administration/Information Systems respectfully advises, after due and careful consideration, that it has approved Ordinances:

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

as enclosed herein; and recommends that same be referred to the Committee on

Accounts, Enrollment & Revenue Administration and the Committee on Bills on Second

Reading for technical review.

At a meeting of the Board of Mayor and Aldermen  
held July 16 2002 on a motion of Ald. Gatsas  
duly seconded by Ald. O'Neil the report  
of the Committee was accepted and its recommendation

(adopted) ~~(denied)~~

Lu A. Broussard  
City Clerk

Respectfully submitted,

Mark A. [Signature]  
Clerk of Committee

Repsdy

# City of Manchester New Hampshire

*In the year Two Thousand and Two*

## AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

Page 1 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by deleting §§ 111.65 through 111.70: Dances; Dance Halls; Assembly in its entirety and inserting new §§ 111.65 through 111.73: Dances; Dance Halls; Assembly. New language to the sections appear in bold (**bold**). Previous language from the sections that remain unchanged appear in regular type.

### DANCES; DANCE HALLS; ASSEMBLY

#### § 111.65 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**A-WEIGHTED SOUND PRESSURE.** The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A) or dBA.

**DANCE HALL.** Any location, other than a food-service establishment as defined by § 117.01 of this title, which permits or permits to occur, dancing. This definition shall not include a public or private school licensed by the state or the city for the purpose of conducting regular dancing classes or dance courses of study as its regular and recurrent business activity.

**DECIBEL.** A logarithmic unit of measure often used to measure magnitudes of sound. The symbol is dB.

**ENTERTAINMENT PLACE OF ASSEMBLY.** A room or space in which provision is made for the occupancy or assembly of 100 or more persons for entertainment purposes. For the purpose of this definition such room or space shall include any occupied connecting rooms, space, or area on the same level or in the same story, or in a story or storied above or below, where entrance is common to the rooms, space, or areas. An entertainment place of assembly shall be classified in either two classifications, Class I or Class II. A Class I entertainment place of assembly shall apply to non-profit organizations that do not receive exemptions pursuant to § 110.08(C) of this Code. Class II entertainment places of assembly shall include all other applicants.

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# City of Manchester New Hampshire

*In the year Two Thousand and TWO*

## AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

Page 2 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

**NOISE.** Any sound that exceeds the standards set forth in this chapter, annoys or disturbs a reasonable person of normal sensibilities, or causes or tends to cause any adverse psychological or physiological effect on humans.

**SOUND.** An oscillation in pressure, stress, particle displacement and particle velocity which induces auditory sensation.

**SOUND LEVEL METER.** An apparatus for the measurement of sound levels. The sound level meter shall be of a design and have the characteristics of a Type 2 or better instrument as established by the American National Standards Institute.

### § 111.66 LICENSE REQUIRED.

(A) No person shall own or operate a dance hall or entertainment place of assembly within the city unless a license shall first be obtained from the City Clerk.

(B) No person shall conduct or allow to be conducted any entertainment or public dancing which is an isolated or occasional event, and which is not part of the regular and recurrent business activity of the owner or operator of the room or space within the city unless a license shall first be obtained from the City Clerk.

(C) (1) Notwithstanding any other licensing ordinance, a duly licensed Class I and Class II restaurant in the city may allow dancing and entertainment upon obtaining an annual restaurant dance and entertainment license from the city.

(2) The application for a restaurant dance and entertainment license shall be made to the City Clerk upon forms to be determined by the City Clerk, the licensee shall be liable for any applicable police officer's fee and the license shall expire annually on April 30.

Penalty, see § 111.99

#### *Cross-reference:*

Business license fees, see § 110.20

# City of Manchester New Hampshire

*In the year Two Thousand and Two*

## AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

Page 3 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

### § 111.67 POLICE ATTENDANCE AT FUNCTION.

When it is determined after investigation by the Chief of Police to be necessary to preserve order, protect the health, safety, and welfare of the citizens of the city, or to help avoid traffic-related problems, public disturbance, or public nuisance, all establishments required to be licensed under this subchapter shall be required to hire an off-duty police officer or officers during those hours the Chief of Police deems appropriate. The Chief of Police may suspend the requirement after investigation as he deems appropriate, but his requirement may be reinstated following receipt of complaints and investigation by the Chief of Police.

### § 111.68 MINORS TO BE ACCOMPANIED BY PARENT OR GUARDIAN.

Minors under the age of 17 years shall not be admitted to a dance hall unless accompanied by parent or guardian or under the supervision of school authorities.  
Penalty, see § 111.99

### § 111.69 RESTRICTED AREAS AT DANCES.

No person attending a public dance shall enter any room designated for the use of the opposite sex.  
Penalty, see § 111.99

### § 111.70 CURFEW AT DANCES.

(A) No public dancing shall be permitted between the hours of 2:00 a.m. and 2:00 p.m. on Sunday, 1:00 a.m. and 12:00 p.m. on Monday, or 2:00 a.m. and 12:00 p.m. Tuesday, Wednesday, Thursday, Friday, and Saturday.

(B) No exhibit of natural or artificial curiosities, theatrical performances, or other shows shall be permitted between the hours of 2:00 a.m. and 9:00 a.m. on Sunday, 1:00 a.m. and 9:00 a.m. on Monday, or 2:00 a.m. and 9:00 a.m. Tuesday, Wednesday, Thursday, Friday, and Saturday.  
Penalty, see § 111.99

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# City of Manchester New Hampshire

*In the year Two Thousand and Two*

## AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations.”

Page 4 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

### § 111.71 NOISE ACTIVITIES; PURPOSE.

The purpose of this section is to establish standards that will eliminate and reduce unnecessary noise at outdoor venues throughout the city which may be physically harmful or otherwise detrimental to individuals and the community in the enjoyment of life, property and the conduct of business.

(A) No person shall conduct an event that involves the amplification of sound or speech above sixty (60) dB(A) for the purpose of presenting a musical selection, show, performance or concert at an outdoor venue within the limits of the city of Manchester without obtaining a noise permit issued by the Office of the City Clerk.

(B) The following general guidelines shall apply to the issuance of a noise permit. These guidelines are not all inclusive as other criteria may be established that is reasonable and prudent to protect the public or limit the anticipated detrimental impact of the events noise upon the community:

(1) All outdoor venues shall have a curfew of 10:00 p.m. Any event which exceeds this curfew shall be assessed the penalty identified in §111.99(C)(4) for each fifteen (15) minute period beyond this curfew.

(2) The Office of the City Clerk shall not grant a permit to conduct noise at level greater than 100dB(A) to be measured one hundred feet (100') from the noise source.

(3) Any sound board or mix position present at an event shall be placed at one hundred feet (100') from the noise source.

(4) The Office of the City Clerk may require any applicant to be monitored for sound levels to ensure compliance with this chapter. Monitoring may be conducted by a representative of the City or an independent third party using an appropriate sound level meter. In the event of third party monitoring, all expenses associated with the sound monitoring shall be assumed by the applicant.

(5) In granting a license, the Office of the City Clerk may impose additional conditions or stipulations it deems necessary and proper to preserve the intent of this chapter.

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# City of Manchester New Hampshire

*In the year Two Thousand and TWO*

## AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations.

Page 5 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(6) Should an application for a noise permit be denied, the applicant can appeal the decision to the Committee on Administration/Information Systems of the Board of Mayor and Aldermen.

### § 111.72 PERMIT FEES.

Each application for a noise permit shall include an application fee of two hundred dollars (\$200.00) cash, money order or bank check made payable to the City of Manchester.

### § 111.73 PROHIBITED CONDUCT.

The following conduct is prohibited:

(A) Provide any false or inaccurate information to any City board, committee, commission or any employee of the City of Manchester, in an attempt to deceive or otherwise avoid compliance with this ordinance.

(B) Hinder, obstruct, delay, resist, interfere, or attempt to interfere with any authorized persons while in the performance of their duties under this ordinance.

(C) Emit or cause to be emitted any noise which exceeds the established limits in §111.71(B)(2) of this chapter.

(D) Violate any subsection of §111.71 of this chapter.

(E) Conduct an event that involves the amplification of sound or speech above sixty (60) dBA for the purpose of presenting a musical selection, show, performance

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# City of Manchester New Hampshire

*In the year Two Thousand and Two*

## AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

Page 6 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

**or concert at an outdoor venue in the city of Manchester without obtaining a license from the Office of the City Clerk pursuant to § 111.71(A).**

- II. Amend the Code of Ordinances by deleting language within §111.99: Penalty as stricken (-----) and inserting new language as bolded (**bold**). Portions of §111.99: Penalty that remain unchanged appear in regular type.

### § 111.99 PENALTY.

(A) Any person who shall fail to comply with any of the provisions of this chapter or who shall violate any of the provisions set forth herein, **unless a penalty is specified elsewhere**, shall be subject to the penalties as set forth in § 10.99 of this code of ordinances.

(B) (1) Any person who commits an act prohibited or made unlawful by §§ 111.40 through ~~111.55~~ **111.73** of this chapter or fails to perform any act required by such subchapter shall be guilty of a violation. Each act of violation, **or in the case of continuous violation**, every day upon which any such violation shall occur shall constitute a separate offense. In addition, if the court finds for the city, the city shall recover its costs of suit including reasonable experts' fees, attorney fees, and necessary investigative costs. Parties held responsible for violations of §§ 111.40 through ~~111.55~~ **111.73** shall include corporate officers, partners, or owners as identified on the business license application or as may be otherwise identified by the ~~Police Department~~ **City** as a result of any related investigation.

(2) The Police Department is hereby authorized to seize any amusement device located within the city in contravention of any of the provisions of §§ 111.40 through 111.55. Upon such seizure the Police Department shall notify the owner of the seized devices, or the person in whose place of business the amusement device was placed, of such seizure and the reason therefor. The Police Department shall hold any such seized devices for a period of not less than ten days from the date of the required notification to the owner or operator of the premises. During this period the owner or operator may redeem any such machine by correcting the violation of this division which led to such seizure. Any amusement devices which are so seized and which are not redeemed within the ten-day period described in this division (B)(2) shall become the property of the city. Costs for transportation and storage charges will be billed to the

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# City of Manchester New Hampshire

*In the year Two Thousand and Two*

## AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations."

Page 7 of 7

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

owner of any amusement devices seized and must be paid before the release of the devices from city storage. The city will be held harmless for any damage occurring during the act of confiscation, transportation, and storage of each device.

(C) Violations of § 111.73 Prohibited Conduct shall follow the penalty schedule below:

**(1) FIRST OFFENSE:**

The licensee or his representative shall be informed of the noise ordinance and corrective measures to achieve compliance. This shall constitute an official warning and should be accomplished in writing if possible.

**(2) SECOND OFFENSE:**

A citation shall be issued to the licensee or his representative in the amount of two hundred and fifty dollars (\$250.00).

**(3) THIRD OFFENSE:**

A citation shall be issued to the licensee or his representative in the amount of five hundred dollars (\$500.00).

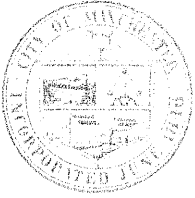
**(4) FOURTH AND SUBSEQUENT OFFENSES:**

A citation shall be issued to the licensee or his representative in the amount of one thousand dollars (\$1000.00).

III. These ordinances shall take effect upon passage.

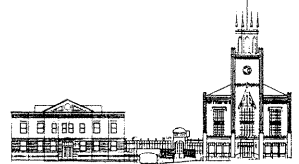
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# CITY OF MANCHESTER

## Office of the City Clerk



Leo R. Bernier  
City Clerk

Carol A. Johnson  
Deputy City Clerk


Paula L-Kang  
Deputy Clerk  
Administrative Services

Matthew Normand  
Deputy Clerk  
Licensing & Facilities

Patricia Piecuch  
Deputy Clerk  
Financial Administration

### MEMORANDUM

TO: Stephanie Lewry  
Exec. Director, Intown Manchester

FROM: Matthew Normand   
Deputy City Clerk

DATE: January 10, 2003

RE: Proposed Noise Ordinance

Please be advised that the Committee on Bills on Second Reading is anticipating your recommended changes to the proposed noise ordinance at the next meeting on January 14, 2003. I have attached a draft copy of the November 6, 2002 minutes for your convenience. If you have any questions, you may reach me at 624-6348.

Attachment

Refer to PH  
on 6-18-02

7-16-02 Tabled  
pending Report  
from Solicitor  
+ Planning Dir.

11/6/02 -  
Remanded  
Tabled

1/14/03 - " "

6/2/07 - " "

10/14/03 - " "

## To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Administration/Information Systems respectfully advises that it has reviewed information relating to tattoo parlors and recommends that amendments to the City's Code of Ordinances and the City's Zoning Ordinance be referred to the Committee on Bills on Second Reading for technical preparation and review as follows:

"Amending Chapter 130: General Offenses of the Code of Ordinances of the City of Manchester by repealing Section 130.10 Tattooing in its entirety."

"Amending the Zoning Ordinance of the City of Manchester to include a new use group category for Tattoo Parlors, inserting changes to Table 5.10, adding supplementary regulations for tattoo parlors, and providing for location restrictions so as to prohibit such parlors within 600 feet from each other and not less than 500 feet from a Residential or Civic Zone."

The Committee notes that information regarding such amendments is enclosed herein.

At a meeting of the Board of Mayor and Aldermen

held April 16, 2002 on a motion of Ald. O'Neil

duly seconded by Ald. Wihby the report

of the Committee was accepted and its recommendations

(adopted) ~~(denied)~~

Lois Bernier

City Clerk

Respectfully submitted,

Y. D. [Signature]

Clerk of Committee

Deputy

# City of Manchester New Hampshire

*In the year Two Thousand and TWO*

## AN ORDINANCE

"Amending Chapter 130: General Offenses of the Code of Ordinances of the City of Manchester by repealing Section 130.10 Tattooing in its entirety."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend Chapter 130: General Offenses of the Code of Ordinances of the City of Manchester as enacted on October 2, 1962 by repealing Section 130.10 Tattooing in its entirety.
- II. This ordinance shall take effect upon passage.

# City of Manchester New Hampshire

*In the year Two Thousand and Two*

## AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester to include a new use group category for Tattoo Parlors, inserting changes to Table 5.10, adding supplementary regulations for tattoo parlors, and providing for location restrictions so as to prohibit such parlors within 600 feet from each other and not less than 500 feet from a Residential or Civic Zone."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,  
as follows:

Amending the Zoning Ordinance of the City of Manchester by revising Sec. 5.10 and Article 8 as follows:

1. Section 5.10 Table of Principal Uses. Under use H-6 Services – Personal, Business, and Repair add number 12 Tattoo Parlors, and insert a "P" in the column labeled "CBD" Central Business District, and insert a dash (-) in all other zoning district columns; also add reference number 8.06 in the Supplementary Regulations Column.
2. Article 8 Supplementary Regulations for Specific Uses, Section 8.06 - delete the title "[Reserved]" and replace it with the following:

8.06 Tattoo Parlors

  - A. Location Restrictions. Tattoo parlors shall be subject to all regulations, requirements and restrictions for the zone in which the tattoo parlor is permitted and shall be subject to the following distance requirements:
    1. No tattoo parlor shall be permitted within 600 feet of another tattoo parlor, and no other tattoo parlor shall be permitted within a building, premise, structure or any other facility that contains another tattoo parlor;
    2. No tattoo parlor shall be permitted within 500 feet of any Residential or Civic zoning district boundary line.
  - B. Measure of Distance. The distancing requirements above shall be measured in a straight line, without regard to intervening structures, from the property line of any site above (unless otherwise specified) to the closest exterior wall of the tattoo parlor.
3. Change Table of Contents, Article 8, Section 8.06 by deleting the title "[Reserved]" and replacing it with "Tattoo Parlors".

This ordinance shall take effect upon passage.

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# 5.10 TABLE OF PRINCIPAL USES

PRINCIPAL USES P- Permitted -- Not Permitted CU - Conditional Use by the Planning Board SE - Special Exception by the ZBA		RESIDENTIAL						BUSINESS				INDUSTRY/ R & D		MIXED USE			CIVIC		SUPPLEMENTARY  Supplementary Regulations Reference (refer to these sections of the Ordinance for specific standards applicable to the use)  Applicable to the use in any zoning district
		Suburban	One Family	One Family	Two Family	Suburban Multifamily	Urban Multifamily	Neighborhood	General	Central Business District	Ind./Industrial General Park	Research Park	Redevelopment	Amoskeag Millyard Mixed Use	Institutional	Hospital	Conservation		
Use No.	Zoning District:	R-S	R-1A	R-1B	R-2	R-SM	R-3	B-1	B-2	CBD	IND	RP	RDV	AMX	C-1	C-2	CV		
H-6 SERVICES - PERSONAL, BUSINESS & REPAIR																			
7	Funeral parlors and crematories	--	--	--	--	--	SE	CU	P	--	--	--	P	--	SE	--	--		
8	Industrial launderers, dyers, linen/uniform supply	--	--	--	--	--	--	--	--	P	P	--	P	P	--	--	--		
9	Large appliance repair, furniture repair or upholstery shop	--	--	--	--	--	--	CU	P	--	CU	--	P	CU	--	--	--		
10	Equipment rental and leasing	--	--	--	--	--	--	--	P	--	CU	--	P	--	--	--	--		
11	Business equipment repair and maintenance	--	--	--	--	--	--	P	P	P	--	--	CU	P	--	--	--	8.06	
12	Tattoo Parlors	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	--		
I. MOTOR VEHICLE SALES, RENTAL AND RELATED SERVICES																			
1	Sale or rental of motor vehicles including autos and small trucks, motorcycles and snowmobiles including incidental repair and sale of parts	--	--	--	--	--	--	--	P	CU	--	--	P	--	--	--	--	8.17	
2	Sales or rental of boats, trailers and motor homes and incidental sales of related equipment and repair services	--	--	--	--	--	--	--	P	--	--	--	P	--	--	--	--	8.17	
3	Large truck or heavy equipment sales, rental or repair	--	--	--	--	--	--	--	CU	--	CU	--	P	--	--	--	--	8.17- Also: Not permitted within the IND areas outside of the I- 293/I-93 beltway.	
4	Automotive repair	--	--	--	--	--	--	--	P	--	CU	--	P	--	--	--	--	8.17 Also: Not permitted within the IND areas outside of the I- 293/I-93 beltway.	
5	Automotive service station	--	--	--	--	--	--	CU	P	CU	CU	--	P	--	--	--	--	8.17 Also: Not permitted within the IND areas outside of the I- 293/I-93 beltway.	

8



Leon L. LaFreniere  
Building Commissioner

## CITY OF MANCHESTER DEPARTMENT OF BUILDINGS

One City Hall Plaza  
Manchester, New Hampshire 03101  
Tel: (603) 624-6475  
Fax: (603) 624-6324



Matthew M. Sink  
Deputy Bldg. Commissioner

March 28, 2002

Theodore Gatsas, Chairman, and  
Members of Committee on Administration/Information Systems  
Board of Mayor and Aldermen  
One City Hall Plaza  
Manchester, NH 03101

### Re: Tattoo Establishments

Dear Chairman Gatsas:

At the March 5, 2002 meeting of the Committee on Administration it was voted to have the matter of tattoo establishments referred to the Building, Planning, Health and City Solicitor's departments for consideration of changes to existing ordinances. As a result of this request, representatives of each of these departments, as well as the City Clerk's office, recently met to discuss this matter. I have prepared the following summary of this meeting for the Administration Committee's consideration.

The first matter discussed at the above referenced meeting focused on the implications of modifying the City's existing methods of regulating this industry. Discussion centered on the potential community impact as well as on land use patterns. The department representatives at this meeting felt that it was important to point out that a decision to permit the practice of applying tattoos by other than licensed physicians represents a policy issue that should be determined by the Board of Mayor and Aldermen. The Health Department recommends that if the current ordinance is changed, the City should defer to the State of New Hampshire requirements for licensing and inspection.

If the Administration Committee feels that it is appropriate to proceed with changes to the existing ordinance structure, the departments would recommend the following changes.

### Zoning Ordinance:

- Add a new use group category **#H-6 (7) Tattoo Parlors**. This use would be a permitted use in the CBD Zoning District only, and not permitted in any other districts.
- Add note (**New Number**) in the Supplementary column of Table 5.10 Table of Principal Uses on the new line **#H-6 (7) Tattoo Parlors**.

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- Add new section to Article 8. Supplementary Regulations for Specific Uses as follows:  
(New Number) **Tattoo Parlors**  
**Location Restrictions on Tattoo Parlors.** Tattoo parlors shall be subject to all regulations, requirements and restrictions for the zone in which the tattoo parlor is permitted and shall be subject to the following distance requirements:  
No tattoo parlor shall be permitted within 600 feet of another tattoo parlor, and no tattoo parlor shall be permitted within a building, premise, structure or any other facility that contains another tattoo parlor;  
No tattoo parlor shall be permitted within 500 feet of any Residential or Civic zoning district boundary line.

**B. Measure of Distance.** The distancing requirements above shall be measured in a straight line, without regard to intervening structures, from the property line of any site above (unless otherwise specified) to the closest exterior wall of the tattoo parlor.

- Add new number to Table of Contents referencing Supplementary Regulations for Tattoo Parlors in Article 8.

**Code of Ordinances:**

- Repeal Section 130.10 Tattooing of the Code of Ordinances (copy of change in ordinance format attached).

The effect of these ordinance changes will be to permit the practice of tattooing by other than registered physicians in the City of Manchester, with restrictions placed on where these establishments may operate. The result would be to establish reasonable and uniform regulations that would prevent a concentration of these uses within the City. Due to the potential impact of this type of business establishment, we would further recommend that the Administration Committee consider seeking the input of Intown Manchester in an effort to include the perspective of the downtown business community in this process.

I hope that the Administration Committee finds this information helpful. The departments involved with this issue will make every effort necessary to provide any additional information that the committee might find useful.

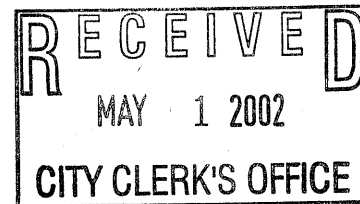
Sincerely,



Leon L. LaFreniere  
Building Commissioner

C: Matthew Normand, Deputy City Clerk  
Fred Rusczek, Director of Public Health  
Robert MacKenzie, Director of Planning and Community Development  
Thomas Arnold, Deputy City Solicitor





April 30, 2002

Mr. Matthew Normand, Deputy City Clerk  
City of Manchester  
Office of the City Clerk  
One City Hall Plaza  
Manchester, New Hampshire 03101

Dear Mr. Normand:

Pursuant to a Memorandum dated April 12, 2002, you asked Intown Manchester Management, Inc. ("Intown") to respond to the Committee on Bills on Second Reading on the issue of whether tattoo parlors should be permitted in the Central Business District ("CBD"). We would like to thank you, the Committee on Bills on Second Reading and the Committee on Administration/Information Systems for the opportunity to present our position on this issue.

It is our understanding that the Committee on Administration/Information Systems has recommended to the Committee on Bills on Second Reading that tattoo parlors be allowed in the CBD, provided that no tattoo parlor be located within 600 feet of another tattoo parlor and that no tattoo parlor may be located within 500 feet of a "Residential" or "Civic" zoning district boundary line. Based on a review of a zoning map, furnished by the Planning Department, we have identified the 500' buffer from the "Residential" and "Civic" zones. Applying the distance restriction set forth above, there is the potential for four (4) tattoo parlors on the east side of Elm Street, between Lake Avenue and Bridge Street, and additional potential for tattoo parlors in sections opposite the Verizon Wireless Arena and north of Spring Street. In our opinion this would be a totally unacceptable situation. This many tattoo parlors downtown would have a detrimental effect on the face of downtown and, in particular, the CBD's evolving business synergy.

A synergistic foundation is crucial for the establishment of a successful retail and mixed-use environment. The term synergy refers to the mix of businesses – restaurants, retail, professional, entertainment, residential - and how each contributes to the desirability of the environment for all. Shopping malls, for example, try to create synergy by strategically locating their tenants within the mall to maximize the flow of business from one to another. In the public sector, we can't operate like shopping malls. However, the private sector, through Intown Manchester, can advocate for zoning and health ordinances which should be effective in discouraging development that doesn't enhance a synergistic downtown economy. By not taking a firm stance, through zoning and health regulations, to discourage incompatible use, we miss an opportunity to secure the future for compatible development.

As you know, part of Intown's mission is to halt the economic deterioration of Manchester's downtown, while working to promote and to improve our downtown environment. Our goal is that downtown should become a mixed-use destination for work, for leisure, and for living. In order to achieve that goal, the first imperative is that downtown should feel safe and look inviting. We have endeavored to promote and to encourage an atmosphere where, for example, a visitor to the Palace Theater or the Verizon Wireless Arena might want to come early, or stay late, and spend more money in downtown establishments. We do not believe that tattoo parlors will add to that type of synergy. While we do not wish to argue the



merits or desirability of tattoos, we profess that the establishment of tattoo parlors in the CBD will make it harder to attract desirable retailers to downtown and will limit the ability of those already established to benefit from the synergy of more compatible retail activity. The establishment of tattoo parlors is, therefore, contrary to our mission and will hinder not only Intown's mission, but the work of other groups here in the City. In fact, it is our belief that tattoo parlors have the potential to impede the economic improvement of downtown and should not be permitted within our designated boundaries.

Once again, thank you very much for the opportunity to add our input on this very important issue affecting downtown.

Very truly yours,



Stephanie Lewry  
Executive Director



■ ■ L. Newman Associates/  
■ ■ Paul Mansback, Inc.

■ ■  
■ ■

Commercial and residential  
Interior design, space planning and landscape architecture

June 19, 2002

Alderman David Wihby  
Committee on Bills of Second Reading  
City of Manchester  
One City Hall Plaza  
Manchester, New Hampshire 03101

RECEIVED  
MANCHESTER CITY CLERK  
-02 JUN 21 PM 2:58

**Subject: Tattoo Parlor Ordinance**

Dear Alderman Wihby,

I was unable to appear before the full Board of Mayor and Aldermen last night due to a scheduling conflict however I would like to register my concerns about the potential passage of the Tattoo Parlor Ordinance that is currently before you.

I am opposed to allow the CBSD to be the only district within the City to allow Tattoo Parlors to operate. It is my belief that general business direction of the CBSD has been to provide more family oriented destinations, for example Margaritas or the Verizon Arena. It is my view that the addition of Tattoo Parlors into this 'mix' would be a lowering of the family values goal and make the area take on a 'Coney Island' feel.

Additionally, I believe that if the Tattoo Parlor ordinance were to be passed in its present form, the separation of only 600 feet± between establishments would essentially allow each block to have its own Tattoo Parlor; I believe that this density would have a substandard impact on our citizens and visitors to our City. Increasing the separation to 1200 feet would at least separate the Parlors by two blocks (still unfortunate but in a Democracy it has to be viewed as someone's business).

Please, if the option to defeat this ordinance is available, vote not to pass.  
For the sake of all the business and building owners who have put so much effort into making downtown Manchester better than it ever has been in its history; a city not associated with the 'anything goes' attitude, more of the place that we have always wanted it to be and knew it had the potential to become.  
Let the Tattoo Parlors stay on the strip in Salem... and not make our downtown look like that.

Thank you for your attention to this sensitive issue. I know that your heart is with me as I relay my thoughts to you about this topic.

Sincerely,

  
Paul Mansback

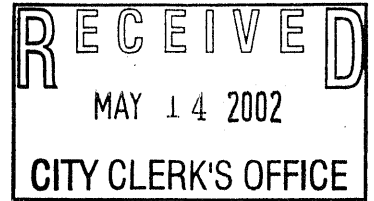
■ ■ 834 Elm Street  
■ ■ Manchester, New Hampshire 03101-2107 USA (603) 622-7722 fax: 625-1450  
■ ■

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5/14/02 Handwritten

# MARTIN'S MANAGEMENT

819 Elm Street  
Manchester, N.H. 03101  
Tel. (603) 622-4515  
FAX (603) 622-4515



May 13, 2002

Board of Alderman  
City of Manchester  
City Hall  
One City Hall Plaza  
Manchester, N.H. 03101

Dear Ladies/Gentlemen:

I am writing this letter in support of the liberalization of the tattoo regulations in the City of Manchester, particularly as it concerns my tenant, Shea Beaumont of Good Times Gifts.

I am not someone who would personally have a tattoo. However, I believe that everyone has the right to decorate his/her body as he/she wishes, provided that such tattooing is performed in a sanitary manner within regulated facilities.

I am confident that should tattooing be more freely available in Manchester, Shea Beaumont would run an exemplary shop, respecting all health and safety laws, as well as those regulations regarding minimum age requirements. I know that his shop would be a tremendous asset in downtown Manchester.

Therefore, I hope that you will see fit to liberalized the regulations regarding tattooing as soon as possible.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "David Goldstein".

David Goldstein

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**From:** Matthew Normand  
**To:** Clark, Thomas; Robert MacKenzie  
**Date:** 1/10/03 10:40AM  
**Subject:** Tattoo Parlors, B2R Agenda (1/14/03)

Gentlemen:

Please be advised that the Committee on Bills on Second Reading is expecting a draft proposal from you detailing an alternative to the previously proposed Tattoo amendment for the next scheduled meeting on January 14, 2003. I believe Leon may have a computer version of the proposal that we put together for the May 14, 2002 meeting if that would be helpful.

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